

In The Matter Of:

*MANGINI v.
R.J. REYNOLDS*

*PEGGY CARTER
March 28, 1995*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
JANET C. MANGINI,)
Plaintiff,) Case No.
vs.) 930 359
R.J. REYNOLDS TOBACCO COMPANY,)
et al.,) Pages 1 - 133
Defendants.)

DEPOSITION OF:
PEGGY C. CARTER
TUESDAY, MARCH 28, 1995
9:15 A.M.

Reported by:
ANDREA L. NOBREGA

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Deposition of PEGGY C. CARTER, the witness, taken on
behalf of the plaintiff, on TUESDAY, MARCH 28, 1995,
9:15 A.M., at the Radisson Marquis, 480 North Cherry
Street, Winston-Salem, North Carolina, before Andrea L.
Nobrega, Court Reporter and Notary Public.

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(1) WINSTON-SALEM, NORTH CAROLINA; TUESDAY, MARCH 28, 1995; (2) 9:15 A.M.

(4) PEGGY C. CARTER,

(5) having been first duly sworn, (6) was examined and testified (7) as follows:

(9) MS. BIXENSTINE: Mr. Janeczek, you have (10) noticed Ms. Carter as the manager of media relations for (11) defendants R.J. Reynolds Tobacco Company and RJR (12) Nabisco, Inc., and I would like to make it clear for the (13) record that Ms. Carter is manager of media relations for (14) R.J. Reynolds Tobacco Company only, and not for RJR (15) Nabisco, Inc.

(16) In addition, Ms. Carter is being produced (17) in response to your notice of deposition for the person (18) most knowledgeable at R.J. Reynolds Tobacco Company (19) about defendant RJR Nab-

isco, Inc.'s involvement and (20) immediate relations concerning the Joe Camel campaign (21) and/or Camel cigarettes.

(22) I understand from reading the transcript of (23) the hearing before Judge Cahill on January 23, 1995, in (24) your agreement with Mr. Escher this deposition will be (25) limited to the jurisdictional issues, is that correct?

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(1) MR. JANECEK: That's correct.

(2) MS. BIXENSTINE: Can I suggest so that (3) there isn't confusion here, that if you would refer to (4) Reynolds, that we will all take it to mean R.J. Reynolds (5) Tobacco Company, and that if you want to refer to the (6) parent company, you refer to that as RJR Nabisco, Inc. (7) or RJR Nabisco. And if you refer to Nabisco, I think (8) the witness will interpret that as Nabisco Brands, the (9) sister company that makes cookies and crackers, is that (10) fair?

(11) MR. JANECEK: All right.

(12) MS. BIXENSTINE: Okay.

(13) EXAMINATION

(14) BY MR. JANECEK:

(15) Q: Ms. Carter, have you had your deposition (16) taken before?

(17) A: Yes.

(18) Q: How many times have you had your deposition (19) taken?

(20) A: One other time.

(21) Q: What type of matter was that?

(22) A: It was a lawsuit the company was involved (23) in.

(24) Q: You were testifying on behalf of R.J. (25) Reynolds?

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(1) A: No, sir - well, yes, I testified in my (2) capacity with the company.

(3) Q: I will give you some basic guidelines. The (4) court reporter is going to take down everything you say (5) and I say and what anyone else in the room says. She is (6) going to transform what we discuss into booklet form. (7) You will have an opportunity to review and to make any (8) changes that you want to, but I want to caution you, (9) that when you are making changes that anyone can comment (10) on what changes you do make in trial or any other (11) proceeding. So I would caution you to testify (12) truthfully and accurately.

(13) Do you understand that you are testifying (14) under the penalty of perjury today?

(15) A: Yes, I do.

(16) Q: That has the same force and effect as if (17) you were testifying at trial before a judge and a jury. (18) Do you understand

that?

(19) A: Yes, sir, I do.

(20) Q: A few basic rules - please wait until I (21) have completed my question before you answer. It's (22) tough for the court reporter to take down both people (23) speaking at once, and I will do the same with respect to (24) your answer. I won't ask a question until you finish.

(25) Also, try to limit your responses to Page 7

(1) audible responses, a yes or a no or an I don't know. If (2) you use an uh-huh or a huh-uh, it's unclear on the (3) record. If you don't understand my question, please ask (4) me to clarify it. It's the only way that I'm going to (5) know that you understand what I'm saying. Is it fair to (6) assume that if you don't understand the question or ask (7) for a clarification, that you do understand the question (8) that I'm asking?

(9) A: I think that's fair.

(10) Q: I'm entitled to your best estimate at this (11) deposition, however, I don't want you to guess at (12) anything. Do you understand the difference between an (13) estimate and a guess?

(14) A: Yes, sir.

(15) Q: If you need a break at anytime, just let (16) me know and we'll take a break.

(17) A: Okay.

(18) Q: Ms. Carter, have you taken any drugs or (19) alcohol within the last 24 hours which would impair your (20) ability to testify today?

(21) A: I took a decongestant for allergies last (22) night, but it should not impair my ability to testify.

(23) Q: Is there any other reason why you could not (24) give your best testimony today?

(25) A: None that I know of.

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(1) Q: Have you talked to anyone about your (2) deposition?

(3) A: Yes, sir, I have talked with my attorneys.

(4) Q: Besides your attorneys, have you talked to (5) anyone?

(6) A: No, sir.

(7) Q: Did you look at any documents in preparing (8) for your testimony today?

(9) A: No, sir, I did not.

(10) Q: Let's start with some general background (11) information. Starting with your education, where did (12) you go to high school?

(13) A: R.J. Reynolds High School here in (14) Winston-Salem.

(15) Q: Did you go to college?

(16) A: Yes, sir. I earned my under-

graduate degree (17) in history and English from the University of North (18) Carolina, Chapel Hill, and I earned a master's degree in (19) journalism from the University of Georgia.

(20) Q: I'm sorry, could you repeat where you got (21) your master's?

(22) A: University of Georgia.

(23) Q: When did you graduate from the University (24) of North Carolina?

(25) A: 1969.

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(1) Q: When did you graduate from the University (2) of Georgia?

(3) A: 1973.

(4) Q: Were there any other post-doctorate or (5) postgraduate degrees?

(6) A: No.

(7) Q: After you graduated from the University of (8) Georgia, did you straightly become employed with R.J. (9) Reynolds?

(10) A: No, sir, I did not.

(11) Q: What job did you have after college?

(12) A: After college, do you mean after my (13) undergraduate work or -

(14) Q: Was there a gap in between?

(15) A: Yes, there was.

(16) Q: Why don't you give me what you did between (17) the University of North Carolina and the University of (18) Georgia.

(19) A: I worked for the City of Baltimore.

(20) Q: Was that in some sort of media relations (21) capacity?

(22) A: No. It was in an information services (23) capacity, stationed in the public library.

(24) Q: What did you do after working for the City (25) of Baltimore?

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(1) A: I went from there to graduate school.

(2) Q: Then after graduate school?

(3) A: My first position was as a writer/editor at (4) Blue Cross & Blue Shield of North Carolina.

(5) Q: After working for Blue Cross, what did you (6) do then?

(7) A: I was with the state-wide public television (8) network in North Carolina, which is part of the (9) university system here.

(10) Q: After working for state-wide public (11) television?

(12) A: I transferred within the university system (13) and I was managing editor of the news bureau at (14) Carolina, UNC, Chapel Hill.

(15) Q: After working as the managing

editor, what (16) did you do?

(17) A: I went to a New York Times publishing (18) company where I managed a small product line and the (19) direct marketing and marketing services programs.

(20) Q: After working for the New York Times (21) publishing company, what did you do?

(22) A: Then I joined R.J. Reynolds Industries.

(23) Q: In what capacity did you join R.J. Reynolds (24) Industries?

(25) A: I was in public relations as a public

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(1) relations representative.

(2) Q: When did you join R.J. Reynolds Industries?

(3) A: That would have been in June of 1983.

(4) Q: After you joined R.J. Reynolds Industries, (5) could you just give me a brief synopsis of how you (6) progressed throughout the company.

(7) A: Sure. I was with the parent company, (8) which, of course, at that time was R.J. Reynolds (9) Industries, until the fall of 1984 when I moved to the (10) subsidiary company, R.J. Reynolds Tobacco Company. Then (11) I managed internal communications for the tobacco (12) company for five years. Then for a year I managed (13) special projects in public relations, and about five (14) years ago I became manager of media relations. That's (15) the position I have held ever since.

(16) Q: Is there anyone at R.J. Reynolds or R.J. (17) Reynolds Nabisco that knows any more about the media (18) relations program with respect to the Joe Camel (19) advertising campaign than you do?

(20) A: No, sir, there is not.

(21) Q: Do you have anyone that's above you in (22) seniority or as your boss?

(23) A: Sure. Do you want me to tell you who that (24) is?

(25) Q: Please.

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(1) A: I report directly to Maura Ellis, who is (2) senior director of PR.

(3) Q: What does Ms. Ellis do as a senior director (4) of PR?

(5) A: All of the internal and external public (6) relations staff reports directly to her.

(7) Q: Who does Ms. Ellis work for, what entity?

(8) A: R.J. Reynolds Tobacco Company.

(9) Q: Is there anyone above Ms. Ellis?

(10) A: Yes, sir, there is.

(11) Q: Who is more senior to Ms. Ellis?

(12) MS. BIXENSTINE: Objection to the form. Do (13) you mean to whom does she directly report? There may be (14) many people in the company who are senior to Ms. Ellis.

(15) MR. JANECEK: That's correct, I'm trying to (16) build the chain up to who is going to be the top dog so (17) to speak.

(18) MS. BIXENSTINE: You mean the direct chain (19) of command?

(20) MR. JANECEK: That's correct.

(21) THE WITNESS: Maura reports to David (22) Fishel.

(23) BY MR. JANECEK:

(24) Q: Could you spell that for the court (25) reporter?

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(1) A: D-a-v-i-d, F-i-s-h-e-l.

(2) Q: What is Mr. Fishel's title?

(3) A: He is senior vice president.

(4) Q: Senior vice president of RJR Tobacco?

(5) A: Well, I'm not certain I know his exact (6) title. I think it's senior vice president of external (7) relations, but I'm not certain about that.

(8) Q: Is Mr. Fishel with R.J. Reynolds Tobacco?

(9) A: Yes, sir, he is.

(10) Q: Who is next up the line after Mr. Fishel?

(11) A: Tom Griscom, G-r-i-s-c-o-m.

(12) Q: What is Mr. Griscom's title?

(13) A: He is executive vice president, external (14) relations.

(15) Q: Does Mr. Griscom work for R.J. Reynolds (16) Tobacco?

(17) A: Yes, sir, he does.

(18) Q: Who does Mr. Griscom report directly to?

(19) A: Jim Johnston.

(20) Q: And what is Mr. Johnston's title?

(21) A: He is chairman and chief executive officer (22) of R.J. Reynolds Tobacco Company.

(23) Q: Could you spell Mr. Johnston's name for the (24) court reporter?

(25) A: J-o-h-n-s-t-o-n.

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(1) Q: Is there anyone that Jim Johnston directly (2) reports to?

(3) A: Mr. Johnston -

(4) MS. BIXENSTINE: Objection to the form of (5) the question. Do you mean at R.J. Reynolds Tobacco (6) Company?

(7) MR. JANECEK: For now, yes, at R.J. (8) Reynolds Tobacco Company.

(9) THE WITNESS: It's my best under-

standing he [10] reports to the board of the tobacco company.

[11] BY MR. JANECEK:

[12] Q: The board of directors?

[13] A: Yes, uh-huh.

[14] Q: Do you know if Ms. Ellis acts in any [15] capacity on behalf of R.J. Reynolds Nabisco?

[16] A: No, sir, she does not.

[17] Q: Do you know if Mr. David Fishel acts in any [18] capacity on behalf of R.J. Reynolds Nabisco?

[19] MS. BIXENSTINE: For the record, it's RJR [20] Nabisco.

[21] MR. JANECEK: RJR Nabisco.

[22] THE WITNESS: No, sir, he does not.

[23] BY MR. JANECEK:

[24] Q: Do you know if Mr. Tom Griscom acts in any [25] capacity on behalf of RJR Nabisco?

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[1] A: He does not.

[2] Q: Do you know if Mr. Jim Johnston acts in any [3] capacity on behalf of RJR Nabisco?

[4] A: Mr. Johnston is on the board - sits on the [5] board of RJR Nabisco, but he is not an employee of RJR [6] Nabisco, to my knowledge.

[7] Q: Do you know if Ms. Ellis reports to anyone [8] at RJR Nabisco on issues that come up in media relations [9] with respect to the Joe Camel advertising campaign?

[10] A: There may have been occasion when she's had [11] a conversation about it, but principally I would be the [12] person that would do that, and those conversations would [13] be in the nature of us informing them.

[14] MS. BIXENSTINE: Mr. Janecsek, by report to, [15] did you mean report in an employment sense or did you [16] mean report in the sense of give information?

[17] MR. JANECEK: Giving information.

[18] Do you know if Mr. David Fishel would [19] report regarding the Joe Camel - in the area of media [20] relations - for the purposes of these questions, please [21] assume that I'm asking about the area of media [22] relations.

[23] Do you know if Mr. Fishel reports to RJR [24] Nabisco regarding the Joe Camel advertising campaign?

[25] THE WITNESS: I can't rule out that David

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[1] has never had a conversation with anybody about it, but [2] I think it would be unlikely.

[3] BY MR. JANECEK:

[4] Q: Do you know if Mr. Tom Griscom reports in [5] any way to RJR Nabisco about the Joe Camel advertising [6] campaign?

[7] A: Tom and I have had conversations with them, [8] yes, but it's not - again, his would be much more [9] limited. I would be the principal person if they had a [10] question and we had something to share with them.

[11] Q: To the best of your knowledge, based on the [12] conversations you have had with Mr. Griscom, in what [13] areas or what ways does Mr. Griscom discuss or report to [14] RJR Nabisco?

[15] MS. BIXENSTINE: About the Joe Camel [16] advertising campaign?

[17] MR. JANECEK: Yes.

[18] THE WITNESS: The nature of any [19] conversations we have had have always been informative [20] or responding to questions they are asking. Typically I [21] have those conversations and typically it's of the [22] nature that a media call has come into RJR Nabisco and [23] they are referring it to me to handle, or if we are [24] putting out some kind of a communication, I will share [25] that information with them so they are aware of it.

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[1] BY MR. JANECEK:

[2] Q: Ms. Carter, you slipped into the I. I was [3] asking about Mr. Griscom. Would he report in the same [4] type of manner?

[5] A: I guess the word report sounds so formal to [6] me that that's - he would have had probably [7] conversations of the same nature, but not report in the [8] formal sense of writing something down and sending in a [9] report, okay.

[10] Q: I understand. My question had more to do [11] with, I was asking Mr. Griscom, and then you responded I [12] would typically do this.

[13] In what manner, that you are aware of, does [14] Mr. Griscom report or inform RJR Nabisco about the Joe [15] Camel advertising campaign?

[16] A: He has in the past informed them of [17] interview decisions we have made on maybe a couple of [18] occasions.

[19] Q: When you are saying "interview decisions," [20] what do you mean by that?

[21] A: When we have had a call from a reporter [22] asking for specific interviews above and beyond what [23] would be the typical media call.

[24] Q: Do you know or can you estimate the number [25] of instances in which Mr. Griscom has made such reports

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[1] or given such information to you?

[2] A: I couldn't estimate that for you. It would [3] be very few, I think.

[4] Q: Do you know if Mr. Jim Johnston has in any [5] way reported or informed RJR Nabisco about the media [6] relations with respect to the Joe Camel advertising [7] campaign?

[8] A: I'm aware of only one time during the last [9] couple of years when he did.

[10] Q: Could you tell me what that one time was?

[11] A: Sure. It was a presentation to the board [12] of directors.

[13] Q: Do you know what that presentation was [14] about?

[15] A: It was a recap of some of the events and [16] media responses that we had made.

[17] Q: Could you elaborate on that. I'm not quite [18] sure I follow. Recapping the events, like a year end [19] review or what?

[20] MS. BIXENSTINE: Objection to the form of [21] the question. I think it's vague.

[22] BY MR. JANECEK:

[23] Q: Could you tell me what you meant by Mr. [24] Johnston, recap the events in the media response that [25] had been made?

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[1] A: It was a presentation made shortly after [2] the publication of the J.A.M.A. articles, and it ran [3] down what we knew about the media relations at that [4] point in time.

[5] Q: Do you know at whose direction this report [6] or information session was done?

[7] MS. BIXENSTINE: Objection to the form of [8] the question. It assumes facts not in evidence.

[9] BY MR. JANECEK:

[10] Q: Do you know if RJR Nabisco asked Mr. [11] Johnston for this report?

[12] A: I do not.

[13] Q: Do you know if R.J. Reynolds Tobacco and/or [14] Mr. Johnston took the initiative to give this report [15] without the information being requested by RJR Nabisco?

[16] A: I do not.

[17] MS. BIXENSTINE: Do you mean RJR Nabisco [18] management or the RJR Nabisco board?

[19] MR. JANECEK: The entity, RJR Nabisco.

[20] MS. BIXENSTINE: The corporation?

[21] MR. JANECEK: Yes.

[22] Was this presentation after the J.A.M.A. [23] articles an unusual event?

[24] MS. BIXENSTINE: Objection to the

form of [25] the question. What do you mean by unusual?

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[1] BY MR. JANECEK:

[2] Q: If you understand me, you can answer the [3] question.

[4] A: If I understand you correctly, you are [5] asking if a report to the board on any topic of the [6] tobacco company is considered an unusual event, is that [7] correct?

[8] Q: That's correct, but for clarification, the [9] board being the board of directors of RJR Nabisco.

[10] A: It is my best understanding that Mr. [11] Johnston makes regular reports to the board of directors [12] about business items of interest and that, no, it is not [13] unusual.

[14] Q: You stated that Mr. Johnston makes regular [15] reports to the RJR Nabisco board. This presentation [16] about the J.A.M.A. articles, would you characterize that [17] as a regular report to the RJR Nabisco board?

[18] MS. BIXENSTINE: I object to the form of [19] the question. I don't think she said it was about the [20] J.A.M.A. articles. I think she said it was after the [21] J.A.M.A. articles about media relations.

[22] BY MR. JANECEK:

[23] Q: With that clarification.

[24] A: May I ask you to go back. You are asking [25] me - I'm sorry, I lost the question.

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[1] Q: With respect to the presentation after the [2] J.A.M.A. articles came out, would that, in your [3] characterization, have been a regular report of the type [4] that you were just testifying about that Mr. Johnston [5] regularly makes?

[6] A: I'm certainly not privy to all the [7] presentations Mr. Johnston makes to the board, but it [8] did not strike me unusual at the time that he would make [9] a presentation on the Joe Camel issues.

[10] Q: The last thing, Ms. Carter, you testified [11] that you have made reports to the board. Who do you [12] make reports to at RJR Nabisco?

[13] A: The conversations I have at RJR Nabisco are [14] most typically with Jason Wright.

[15] Q: Could you spell Mr. Wright's name for the [16] court reporter.

[17] A: W-r-i-g-h-t, Wright. His first name is [18] Jason, J-a-s-o-n.

[19] Q: And what are the nature of those reports?

[20] A: Jason heads the communications function for [21] the parent company, and typically it's of a nature that [22] we are

getting ready to put out this announcement and [23] we'll fax it up to you so you will know what we are [24] doing. Sometimes I get media calls or - excuse me - [25] corporate gets media calls related to the Camel

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[1] campaign, and he will call and say would you call this [2] reporter back, they have a question about the Camel [3] advertising. That's most typically what they are like.

[4] Q: And when you said "corporate," were you [5] referring to RJR Nabisco?

[6] A: RJR Nabisco, yes, sir.

[7] Q: Is there anyone else at RJR Nabisco that [8] you report to regarding the Joe Camel advertising [9] campaign?

[10] MS. BIXENSTINE: Again -

[11] MR. JANECEK: Again in the area of media [12] relations.

[13] MS. BIXENSTINE: And you mean reported in [14] the sense of giving information?

[15] MR. JANECEK: Giving information.

[16] THE WITNESS: I have on occasion answered [17] questions for the investor relations group relative to [18] matters pertaining to Joe Camel.

[19] BY MR. JANECEK:

[20] Q: Is there anyone else that you give reports [21] to at RJR Nabisco about the Joe Camel advertising [22] campaign?

[23] A: I can't say categorically I haven't, but no [24] one comes to mind.

[25] Q: On about how many, if you could estimate

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[1] for me, occasions has RJR Nabisco through Mr. Wright or [2] anyone else asked you to return these media calls about [3] the Joe Camel advertising campaign?

[4] MS. BIXENSTINE: This is during the entire [5] period of the campaign?

[6] MR. JANECEK: Let's do it on a yearly. [7] About how many times a year?

[8] THE WITNESS: It does not happen that much, [9] okay, because reporters around the country have a pretty [10] good feel. They know to call the tobacco company on [11] tobacco company business, so it doesn't happen very [12] often, but probably maybe a half dozen times a year. [13] I'm not very good at estimates because we stay pretty [14] busy, and I don't think in terms of numbers when things [15] happen. They will get - someone at RJR Nabisco might [16] get a letter and they will forward those down to me to [17] respond to. It could be - those letters could be from [18] consumers, from most anybody, but they

don't answer [19] letters regarding tobacco company issues.

[20] BY MR. JANECEK:

[21] Q: Do you know RJR Nabisco's typical process [22] for handling these inquiries about the Joe Camel [23] campaign?

[24] MS. BIXENSTINE: Objection. Asked and [25] answered. You can answer.

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[1] THE WITNESS: They don't answer inquiries [2] about the Joe Camel campaign. They send them all down [3] to me.

[4] BY MR. JANECEK:

[5] Q: Is it your testimony that RJR Nabisco [6] basically takes a message and then provides it to you?

[7] A: They will do it one of two ways. They will [8] give the reporter my name and phone number and the [9] reporter will just call me, or they will take a message [10] and call me and ask me to return the call. It has [11] happened both ways. I guess what I'm telling you, there [12] is no real formal process there.

[13] Q: Do you know if it's a switchboard that does [14] this function or if it's Mr. Jason - I believe it was [15] Wright?

[16] A: That's correct. It typically would not be [17] a switchboard. The reporters around the country [18] typically have our direct phone lines. If they are [19] calling in cold, they would just be put through to the [20] communications office at RJR Nabisco, or if they were [21] calling the tobacco company, the tobacco company [22] switchboard people know who answers the Joe Camel [23] questions and they would put them through directly to [24] me.

[25] Q: You say there is a communication group at

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[1] RJR Nabisco?

[2] A: That's what Jason is. I'm sorry, I'm not [3] certain of his title, but he is head of the corporate [4] communications department.

[5] Q: Are there other individuals working in the [6] corporate communications department?

[7] A: Yes, sir, there are.

[8] Q: Could you identify for me the names of the [9] other individuals that work in the corporate [10] communications department.

[11] A: I can. I'm in a quandary because they are [12] doing some downsizing and people are in the process of [13] leaving, and I'm not sure who's still there and who's [14] leaving, so that's why I'm hesitating here. Still on [15] board would be Carol Makovich.

(16) Q: Could you spell that for the court (17) reporter?

(18) A: Carol with a C, Makovich, M-a-k-o-v-i-c-h. (19) In terms of people who answer media calls, it's only (20) Jason and Carol. The other staff members on his staff (21) hold other responsibilities than media, and I honestly (22) don't know whether some of them are still there, or not. (23) Do you want me to rattle off names in that case?

(24) Q: Before we get into the names, can you (25) describe for me the capacities that these other

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(1) individuals operate?

(2) A: One person does meetings and conferences (3) for RJR Nabisco. One person has been sort of a (4) paraprofessional in helping with things like the annual (5) report and providing internal communications type (6) services. Then there has been a person who has done (7) support work for the meetings and conventions, (8) conferences - excuse me - that's really about the most (9) I know about them, because we don't work with them on (10) even an irregular basis really.

(11) Q: Can you tell me the name of the individual (12) that is responsible for the meetings of the conferences?

(13) MS. BIXENSTINE: I object to this. I'm (14) trying to give you some latitude, Frank, but the (15) testimony has been that these people have nothing to do (16) with media relations or Camel even receiving (17) information, so I think it's really far afield.

(18) MR. JANECEK: You can answer the question.

(19) THE WITNESS: Her name is Heidi Gurien.

(20) BY MR. JANECEK:

(21) Q: Could you spell that for the court (22) reporter?

(23) A: I knew you were going to ask me that. I (24) think Heidi is H-e-i-d-i, and Gurien is G-u-r-i-e-n, but (25) don't hold me to that.

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(1) Q: Do you know if Ms. Heidi Gurien has set up (2) any meetings or conferences with respect to the Joe (3) Camel advertising campaign?

(4) A: She has not to my knowledge, no, sir. (5) She's an RJR Nabisco employee. That wouldn't be (6) something she would do.

(7) Q: Are these meetings and conferences internal (8) meetings?

(9) A: They would be internal meetings for the (10) parent company and perhaps meetings for analysts. As (11) you know,

large corporations meet regularly with (12) analysts.

(13) Q: Would Mr. Jason Wright be the individual at (14) RJR Nabisco who would make any public statements on (15) behalf of the company, the company being RJR Nabisco?

(16) A: Either Jason or Carol Makovich would be the (17) one to respond to media inquiries or to put out (18) statements for the RJR Nabisco, the parent company.

(19) Q: Do you know if Mr. Jason Wright has made (20) any public statements about the Joe Camel advertising (21) campaign on behalf of RJR Nabisco?

(22) A: I'm not aware of any.

(23) Q: Do you know if Ms. Carol Makovich has made (24) any public statements on behalf of RJR Nabisco regarding (25) the Joe Camel advertising campaign?

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(1) A: I'm not aware of any.

(2) Q: Ms. Carter, with respect to your reporting (3) to RJR Nabisco or giving information to RJR Nabisco, (4) what's the process? How does that typically take place? (5) I guess I will start before I draw an objection.

(6) Is that something that you do without being (7) asked by RJR Nabisco, or do they ask you to provide them (8) with information?

(9) A: It is typically the case - now, you have (10) to understand that in some instances we are responding (11) very, very quickly and other instances it's news that we (12) maybe have a little more lead time with. It has just (13) always been a courtesy from the tobacco company's behalf (14) to provide copies of any statements that we are putting (15) out to RJR Nabisco's corporate communications staff, (16) i.e., Jason and/or Carol.

(17) If we are not too fast on the run, Mr. (18) Janeczek, I will get it faxed up to them in advance, but (19) unfortunately sometimes they get it as we are probably (20) putting it out, and then there have been probably a (21) couple occasions where we were going so fast that we (22) were totally remiss and forgot to tell them at all, and (23) they would get it off the wire.

(24) MR. JANECEK: Off the record for a second. (25) (Off the record, brief recess.)

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(1) (Mr. Donahue leaves room.)

(2) BY MR. JANECEK:

(3) Q: You testified that your giving information (4) or reports to RJR Nabisco is a courtesy. Is there some (5) sort of policy

at RJR Tobacco about forwarding (6) information to RJR Nabisco?

(7) A: We have enjoyed a very good working (8) relationship with our professional colleagues there, and (9) I don't mean to, by using the word courtesy, imply (10) anything. Perhaps that's a very southern way of putting (11) it, but certainly our parent company wants to know what (12) its subsidiaries are doing, but there is no formal (13) policy that I have ever been aware of. It's one of (14) those things when you are in a subsidiary that you do (15) for a parent company, okay.

(16) By way of example, I can tell you when I (17) was managing the news bureau at Chapel Hill, I always (18) let - which was essentially the corporate equivalent of (19) the general administration of the whole university (20) system - know what we were doing. You just do those (21) kinds of things. I hope I didn't mislead you in any way (22) by the term courtesy.

(23) Q: Is this something that you, yourself - and (24) the this I'm referring to is providing information to (25) RJR Nabisco that you, yourself, have undertaken to do?

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(1) A: Yes. We have a very direct - I have no (2) hesitation to pick up the phone and call Jason or to pop (3) a fax out to him if there is something he needs to know (4) about.

(5) Q: I'm talking more in a broader sense. I'm (6) trying to figure out how the practice of providing this (7) information to RJR Nabisco came about. Is this (8) something you, yourself, Peg Carter?

(9) A: I'm sorry, I didn't understand you. No, (10) it's not just something I uniquely do. When I say not (11) uniquely do, I mean in general terms. They get copies (12) of our internal publications. It's just a good (13) informational vehicle to let them know what's going on.

(14) Q: Is this something that Ms. Ellis has asked (15) the people in the media relations to do, is to keep RJR (16) Nabisco informed?

(17) A: No. It predates both of us, I feel (18) certain, in our employment there.

(19) Q: Do you know who it was that instituted (20) this, for lack of a better term, policy or this practice (21) of giving information to RJR Nabisco?

(22) A: Mr. Janeczek, I don't know exactly how to (23) answer that question because we have had in the last (24) couple of years a lot of activity going on, the LPL and (25) whatnot. The practice of the subsidiaries sharing

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[1] information back to the parent company went on when I [2] was at the parent company, and as far as a person who [3] initiated it, I mean, I wouldn't have a clue, but there [4] has been a lot to communicate through the years.

[5] Q: You said this went on when you were at the [6] parent company. Are you referring to RJR Nabisco?

[7] A: It was then R.J. Reynolds Industries when I [8] was employed by the parent company.

[9] Q: Do you know if this practice of giving RJR [10] Nabisco information about the Joe Camel campaign or [11] information in general arose from a request by RJR [12] Nabisco?

[13] MS. BIXENSTINE: Objection. Asked and [14] answered repeatedly.

[15] MR. JANECEK: You can answer.

[16] THE WITNESS: I am unaware of how the [17] practice was initiated. It just has always existed, and [18] again, I would find similar circumstances in any parent [19] company subsidiary. I don't think that's peculiar to [20] us.

[21] BY MR. JANECEK:

[22] Q: Ms. Carter, we have gone through the [23] information to RJR Nabisco. At any point in time, has [24] RJR Nabisco provided information to R.J. Reynolds [25] Tobacco about the Joe Camel advertising campaign?

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[1] A: No, sir, not that I'm aware of.

[2] Q: Has RJR Nabisco provided you any directives [3] or directions regarding media relations on the Joe Camel [4] advertising campaign?

[5] A: No, sir, they have not.

[6] Q: In the instances where you have had enough [7] lead time to fax information prior to release of a story [8] - what types of backups, so I could understand it [9] better? You said there are cases in which there has [10] been enough time for you to give information to RJR [11] Nabisco before something goes out. What types of things [12] go out?

[13] A: It is typical that when an organization is [14] going to hold a rally or a press conference or something [15] of that nature, that they will put out a release in [16] advance telling the time, date and place of such said [17] event, and where we have known that in advance and I [18] felt we might possibly be called upon to comment, I will [19] go in and prepare a draft statement or comment. That [20] can sometimes be a day or two in advance of when the [21] group or individual is going to do something.

[22] That's where you get a little lead time.

[23] More typically, with the anti-smoking activities related [24] to the brands, they

got very ad hoc, and they come up [25] very spur of the moment and you hit the ground with your

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[1] feet running.

[2] Q: Let's take the former category. If you [3] become aware of some rally or press conference and you [4] have enough time to provide information to RJR Nabisco, [5] do you ever receive comments back from RJR Nabisco on [6] your proposed response?

[7] A: I may have received questions, but RJR [8] Nabisco has never directed me to say something [9] differently other than what we proposed. I can never [10] remember that happening.

[11] Q: When you say you "may have received [12] questions," what types of questions?

[13] A: Well, they might ask, you know, why have [14] you chosen to say this or why - what are you thinking [15] about when you say that, and then generally what I do is [16] put it in the context of all the information we have [17] available - boiled it down to this one short statement. [18] The answer is usually okay, I understand.

[19] Q: Has RJR Nabisco ever edited what you have [20] provided them?

[21] A: I can recall no instance in which that [22] happened, no, sir.

[23] Q: I understand they haven't directed you to [24] change things. Have they made suggestions or suggested [25] changes to what you provide them with?

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[1] A: Jason is a pretty opinionated guy. I'm [2] sure he is always full of suggestions, but I always know [3] that I'm free to take or leave them.

[4] Q: Have you ever adopted some of Mr. Wright's [5] suggestions in the instances where you provided them a [6] copy before it has gone out?

[7] A: I cannot recall an instance when I would [8] have, and I'm not going to tell you categorically I [9] never thought he had a good idea, okay, but I can't [10] recall rewriting something as a result of a conversation [11] we've had.

[12] Q: How are you using the term rewriting?

[13] A: That would be in the case where we have [14] actually a written statement, which is - and mentally a [15] minority of the time, because usually we're dealing with [16] these very quickly and it's all verbal.

[17] Q: Are you using the term rewriting in [18] changing one or two words?

[19] A: Sure. I mean, rewriting could go [20] everywhere from two or three words

to a wholesale redo.

[21] Q: Just so it is clear, is it your testimony [22] that you cannot recall rewriting, i.e., changing any of [23] the words after receiving a suggestion from Mr. Wright?

[24] A: I cannot recall doing that.

[25] Q: Are there other individuals besides you who

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[1] communicate with Mr. Wright about the Joe Camel [2] advertising campaign?

[3] A: In the event that I may not be there, Maura [4] would fill in for me.

[5] Q: Are you aware of any instances where Ms. [6] Ellis has filled in for you in the situation where there [7] is some lead time and you provide information prior to a [8] release?

[9] A: I'm not aware of any.

[10] Q: Are you aware of any occasions when Mr. [11] Wright has gone over your head, so to speak, to Ms. [12] Ellis because you have not taken a suggestion that he [13] has made?

[14] A: No.

[15] Q: Are you aware of any time in which Mr. [16] Wright has gone to anyone beyond in the direct chain [17] that you have testified to?

[18] A: No, I'm not.

[19] Q: Is there any sort of approval hierarchy as [20] for things that are going to be released to the public [21] for the Joe Camel advertising campaign?

[22] A: By approval hierarchy, I assume you are [23] asking of the responses that I prepare who has to see [24] them?

[25] Q: That's correct.

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[1] A: It depends, Mr. Janeczek. If it is a [2] subject that is something I have dealt with a lot, and [3] there is no need to really deviate from our standard [4] responses, then, no, no one reviews it. If, however, it [5] is a new subject area and I have had to talk with either [6] brand staff at the tobacco company or other people [7] within the tobacco unit, and in proffering up a new [8] response on our behalf, then I will have approvals [9] through to Tom Griscom for that.

[10] If Maura is not in, Dave is not in, I am [11] perfectly free to go straight to Tom. It's not a rigid [12] process.

[13] Q: On these new subjects, does it work its way [14] up the chain? What I mean by that is, do you first get [15] approval from Ms. Ellis and then Mr. Fishel and then to [16] Mr. Griscom before it goes out?

[17] A: It is not really that formal. I mean, it's [18] not unlikely that Maura might

stand at my elbow while [19] I'm writing it on the computer and read it over my [20] shoulder. We are just not that formal in organization, [21] but in theory, yes, that's the way it would operate.

[22] Q: Do you recall any instances of making [23] public statements about the Joe Camel case, the [24] litigation that you are testifying in this deposition [25] for today?

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[1] A: Oh, yes.

[2] Q: When you release such public statements, is [3] that the type of matter where you will just make the [4] statement without getting any further approval by other [5] individuals?

[6] A: I never make statements about litigation [7] without clearing them with my legal department, or [8] rarely. Maybe never is too strong a word, if I made [9] them before. I don't check with them every time I say [10] it, but -

[11] Q: Besides the litigation department, who [12] would be involved in the drafting of this type of [13] statement?

[14] A: That's not a set - and I'm thinking about [15] it because it's not a simple question. It depends on [16] the nature - are we talking just about the Mangini [17] suit?

[18] Q: Yes, just about the Mangini suit.

[19] A: Just about the Mangini suit, as best I can [20] recall, it is typically just the legal department that I [21] would go to clarify any specifics.

[22] Q: You wouldn't discuss that with Ms. Ellis?

[23] A: I might, sure, because if I'm out, she is [24] going to probably have to punch hit behind me on media [25] calls, so she needs to know what I'm saying. So, of

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[1] course, we would talk about that.

[2] But as far as formal approvals, I mean, I [3] may ask her to wordsmith behind me if I'm having a [4] particularly hard day or something. Does that answer [5] your question?

[6] Q: That's along the lines, and I think I [7] understand the confusions where I'm still talking about [8] approval.

[9] Getting rid of approval, the term approval, [10] in your drafting a public statement, who would you [11] discuss what the content was going to be, besides your [12] litigation department?

[13] MS. BIXENSTINE: Are you still referring to [14] statements about the Mangini case?

[15] MR. JANECEK: The Mangini case.

[16] THE WITNESS: I cannot recall right

offhand [17] and I can't tell you that I did not discuss it with [18] others, but I cannot recall - I'm not - I just can't [19] think back and recall an instance where I would have [20] really talked with anybody other than the attorneys to [21] get just a status update. I might on occasion reach out [22] to our library and do some checking on databases to see [23] any new information that surfaces out there, but - I'm [24] not trying to be evasive. I just don't recall anything, [25] anybody else that I would have checked with.

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[1] BY MR. JANECEK:

[2] Q: Do you ever recall discussing any public [3] statement that you were working on with Mr. Wright [4] before that public statement has gone out? And again, [5] I'm talking about the Mangini case.

[6] A: No, sir, I don't. I don't recall having [7] any such conversations.

[8] Q: Do you recall ever having such a [9] conversation or a conversation discussing what you [10] intend to release with Ms. Carol Makovich?

[11] A: No, sir.

[12] Q: Do you recall any instance in which you [13] have had conversations with Mr. Jim Johnston about a [14] statement that is going to be made prior to its making?

[15] MS. BIXENSTINE: About the Mangini case?

[16] MR. JANECEK: About the Mangini case.

[17] THE WITNESS: About the Mangini case, I [18] don't recall any instances of discussing responses with [19] Jim, no, sir.

[20] BY MR. JANECEK:

[21] Q: Do you recall having any discussions with [22] Tom Griscom prior to the making of a statement about the [23] Mangini case prior to its release?

[24] A: I'm sure that there have been times when, [25] yes, I would have talked with Tom about it. I can't

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[1] tell you specifics right offhand, but I'm sure we did. [2] That wouldn't be unusual.

[3] Q: Have you ever been asked by the board of [4] directors of RJR Tobacco to provide them with [5] information about the Mangini case?

[6] A: No, sir, I have not.

[7] Q: Have you ever been asked to give [8] information to the board of directors of RJR Nabisco [9] about the Joe Camel Mangini case?

[10] A: No, sir, I have not.

[11] Q: Are you aware of any instance in

which Ms. [12] Ellis has been asked to give information to the board of [13] directors of RJR Tobacco about the Mangini case?

[14] A: No.

[15] Q: Are you aware of any instances in which Mr. [16] David Fishel has been asked to give information to the [17] board of directors of RJR Tobacco about the Mangini [18] case?

[19] A: No.

[20] Q: Are you aware of any instances in which Mr. [21] Tom Griscom has been asked to give information to the [22] board of directors of RJR Tobacco about the Mangini [23] case?

[24] A: No, sir.

[25] Q: Are you aware of any instances in which Mr.

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[1] Jim Johnston has been asked to give information to the [2] board of RJR Tobacco about the Mangini case?

[3] A: No, sir.

[4] Q: Are you aware of any instances in which Ms. [5] Ellis has been asked to give information to the board of [6] directors at RJR Nabisco about the Mangini case?

[7] A: No, sir.

[8] Q: Are you aware of any instances in which Mr. [9] David Fishel has been asked to give information to RJR [10] Nabisco's board of directors about the Mangini case?

[11] A: No, sir.

[12] Q: Are you aware of any instances in which Mr. [13] Tom Griscom has been asked to give information to the [14] board of directors of RJR Nabisco about the Mangini [15] case?

[16] A: No, sir.

[17] Q: Are you aware of any in which Mr. Jim [18] Johnston has been asked to give information to the board [19] of directors at RJR Nabisco about the Mangini case?

[20] A: No, sir.

[21] Q: Of the people that I have identified, do [22] you know if they have never given information to the [23] board of directors of RJR Nabisco about the Mangini [24] case?

[25] A: Of the three people in the external

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[1] relations area, Maura Ellis, David Fishel or Tom [2] Griscom, I feel certain that if they had ever been [3] asked, I would know about it, because I'm the principal [4] resource in the department on that, and so I feel fairly [5] confident that I would know if any one of the three of [6] them had been approached.

[7] As far as Mr. Johnston, I suspect that I [8]

wouldn't be the person he would come to if he were going to make a statement or a presentation or in any way convey information to the board. He would likely go to the legal department for that information. Instead of come to me, unless he had a specific question about media related to it.

Q: Ms. Carter, does RJR Tobacco ever provide media items, press releases, about promotional items or giveaways with respect to the Joe Camel or the Camel cigarettes?

A: We have not done any news releases like that in the years that I have had responsibility for this brand, which has been the last five years. Prior to that, I can't recall - I can't recall one right offhand, but I can't tell you again un-categorically there wasn't something.

Q: Ms. Carter, are you aware if RJR Tobacco has given any press release or media piece about

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sports marketing department, that would make public statements about issues relating to Camel?

A: No. By public statements, you mean media communications?

Q: Media communications. As an example for this - what I'm assuming is the sports marketing, and correct me if I'm wrong - announcing the creation of the Camel car?

A: Right. That was sports marketing that handled that.

Q: Is there any coordination between the sports marketing department and your department? What's the title of your department?

A: Public relations.

Q: Is there any coordination between the making of public statements that goes on between your department, public relations and the sports marketing department?

A: Yes, sir, at times there are.

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Q: And who is responsible for coordinating those types of statements?

A: If it's related to Camel, it's me.

Q: Are there any other departments within RJR Tobacco that you coordinate the making of public statements about Camel or Camel cigarettes or Camel items?

A: Yes, sir, there are.

Q: What other types of departments do you coordinate with in making public statements about Camel?

A: I obviously have access to the marketing staff, and on occasions, I consult with the business information and analysis department for help in understanding some of the research that's out there, and then on occasion, I will go to our library and do document research. If it's a matter of litigation, obviously I talk with our attorneys.

Q: Is there any coordination between the making of public statements that goes on with RJR Tobacco and other tobacco subsidiaries? I'm thinking of - is it worldwide tobacco? Is that the other subsidiary?

MS. BIXENSTINE: Objection to the form of the question.

BY MR. JANECEK:

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Q: Do you know the structure or the entities that are involved in the marketing and promotion of Camel cigarettes?

A: Domestically it is RJR Reynolds Tobacco Company, which is basically the domestic subsidiary. R.J. Reynolds

Tobacco International handles the marketing and promotion of Camel outside of this country.

Q: Is there any coordination between RJR Tobacco and RJR Tobacco International with respect to public statements about Camel cigarettes?

A: If there is coordination to the sense - to the point that if they get a question about the domestic campaign, they refer those reporters to me. If I get questions about an international campaign related to Camel, then I refer them to them. We don't try to answer each other's questions.

There have been occasions when they are, i.e., either one might be doing responses that we would bring each other in on the telephone call and switch the reporter off.

Q: What is RJR Nabisco's role in coordinating those types of responses to media calls with respect to RJR Tobacco International and RJR Tobacco?

A: None that I recall them ever getting

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involved in. I have essentially a counterpart at the international company and we just deal with each other.

Q: Are there ever any instances that you can recall in which your counterpart at RJR Tobacco International, yourself and Mr. Jason Wright, have been on the same telephone conversation or the same meeting regarding Camel cigarettes?

A: None that I can ever recall.

Q: Do you recall any meetings or telephone conversations with yourself, your counterpart at RJR Tobacco International and Ms. Carol Makovich?

A: No.

Q: Do you recall any meetings or telephone conversations where your counterpart at RJR Tobacco International, yourself and any person affiliated with RJR Nabisco have been involved on that call or meeting?

A: No. Not related to Camel, no, sir.

Q: Ms. Carter, does the PR department have a budget that it operates within?

A: Yes, sir, we do.

Q: Do you know who sets that budget?

A: Each of us in our department estimate what is going to be required, we think. I don't mean again to sound loose here, but we are in the tobacco business and no one never knows what's going to come down the

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advertising or marketing firms that it uses to promote cigarettes?

MS. BIXENSTINE: Camel cigarettes?

MR. JANECEK: The marketing of Camel cigarettes.

THE WITNESS: Any news release or media communications regarding one of the agencies, I cannot - I cannot think of any formal release that we have done. I can't remember. I can't recall one. We have not typically done this kind of release in recent years.

BY MR. JANECEK:

Q: What do you mean by recent years?

A: We just have not done very many news releases in recent years related to our brands or the management of our brands by agencies.

MS. BIXENSTINE: Would this be a good time for a restroom break?

MR. JANECEK: Sure. (Off-the record, brief recess.)

BY MR. JANECEK:

Q: Ms. Carter, have you been involved in any media releases or press releases about any sporting events, racing?

A: No, sir.

Q: Who would make those types of statements or

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press releases about the Joe Camel racing, the Joe Camel car?

A: That would be done out of our sports marketing department.

Q: Are there other departments besides yours, the media relations and the

(1) pike, so you make your best shot guess for what you (2) might need for the next year, and then it goes through a (3) formal budget review process. It goes through the (4) management ranks and then you are informed back what you (5) have got.

(6) Q: Can you identify the individuals you mean (7) by the management ranks?

(8) A: In our department, it ultimately would end (9) up with Tom Griscom, and then I presume he has to take (10) it into further review, but I'm sorry, I don't know (11) that. I don't know where it goes from there.

(12) Q: But you do know that there is further (13) review of Mr. Griscom's analysis of your prospective (14) budget?

(15) A: Yes, sir, the tobacco level, they have to (16) review all the budgets to make sure that they are going (17) to fit within the company's plans for the next year. I (18) just don't know who does that.

(19) Q: Do you know if RJR Nabisco has any (20) involvement in the budgeting process for the PR (21) department?

(22) A: Absolutely none that I am aware of.

(23) Q: I'm going to go back to the merger of the (24) LBO in - was it 1988?

(25) A: I believe that's correct.

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(1) Q: Now, in 1988, did you work with RJR (2) Industries?

(3) A: No, sir, I was with R.J. Reynolds Tobacco (4) Company.

(5) Q: When were you with RJR Industries?

(6) A: I joined them in June of '83 and I left (7) there in the fall. I think it was October, but I'm not (8) certain. It was October or November of '84.

(9) Q: And from RJR Industries you went to RJR (10) Tobacco?

(11) A: That's correct.

(12) Q: What was your title with RJR Tobacco when (13) the LBO occurred?

(14) A: I was manager of internal communications.

(15) Q: Did you receive any communications from (16) your superiors at the time immediately after the LBO?

(17) MS. BIXENSTINE: Objection to the form of (18) the question. That's awfully broad.

(19) BY MR. JANECEK:

(20) Q: Did you receive any communications from (21) your superiors regarding any changes that would be made (22) or what the effect of the LBO would have - let me go (23) back one step.

(24) Were you with the PR department when you (25) were the manager of internal communications at RJR

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(1) Tobacco at the time of the LBO?

(2) A: Yes, sir.

(3) Q: Did your superiors in the PR department (4) give you any communication with respect to what changes, (5) if any, or what changes wouldn't be made, if any, after (6) or as a result of the LBO?

(7) MS. KACIR: In the Camel campaign?

(8) MR. JANECEK: Nabisco's involvement, RJR (9) Nabisco - just the effect of the LBO on the PR (10) department.

(11) THE WITNESS: I don't recall any - and I (12) was putting out the employee communications, okay, for (13) the tobacco company, but I don't recall any department (14) specific communications related to the LBO. You're (15) talking about seven years ago, and we have been through (16) a lot since then and I just don't - but I don't recall (17) any.

(18) BY MR. JANECEK:

(19) Q: Do you recall if there were any people that (20) either joined or left the PR department immediately (21) after the LBO?

(22) MS. BIXENSTINE: I object to this line of (23) questions as outside the scope of this deposition. Are (24) you going to tie this up with the Joe Camel campaign?

(25) MR. JANECEK: Yes.

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(1) THE WITNESS: Let me just think a minute (2) about time frames here. And your question is: did (3) people join or leave the PR department immediately after (4) the LBO? I don't recall any immediate departures, no, (5) sir, from our department even within months after the (6) LBO. I don't recall any, but again, you are asking (7) about something seven years ago, that's kind of tough.

(8) BY MR. JANECEK:

(9) Q: Are you aware, or do you know if there was (10) any change in senior management in the PR department as (11) a result of the LBO?

(12) MS. BIXENSTINE: At the tobacco company?

(13) MR. JANECEK: At RJR Tobacco.

(14) THE WITNESS: There was not.

(15) BY MR. JANECEK:

(16) Q: Do you know if there was any report or (17) presentation made to RJR Nabisco - strike that.

(18) What was the name of the entity that was (19) created after the LBO? Was that still RJR Nabisco, (20) Inc.?

(21) MS. BIXENSTINE: The parent company?

(22) MR. JANECEK: The parent com-

pany.

(23) THE WITNESS: This was not simple stuff (24) when they did all this, so please don't take me as your (25) final authority on this. The parent company remained

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(1) RJR Nabisco, Inc., but there was created RJR Nabisco (2) Holdings Corp., and as I recall, there may have been (3) other legal entities, but I am certainly not the right (4) person to be asking. I didn't understand it then and I (5) probably couldn't repeat it accurately now.

(6) BY MR. JANECEK:

(7) Q: After the LBO, do you recall any (8) presentations that were made to RJR Nabisco, Inc., about (9) the Joe Camel advertising campaign?

(10) A: No, sir, I don't recall any made about the (11) Joe Camel advertising campaign, no, sir.

(12) Q: Do you know if there were any presentations (13) made about cigarettes, including Camel cigarettes, to (14) RJR Nabisco, Inc., immediately after the LBO?

(15) A: Not from the public relations department (16) that I can recall, no, sir.

(17) Q: Was the RJR Tobacco public relations (18) department involved in making any public statements (19) about the LBO?

(20) A: We made no public statements about the LBO. (21) We only handled internal communications to tobacco (22) company employees.

(23) Q: Do you know who made public statements (24) about the LBO?

(25) A: My best understanding was that a PR firm

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(1) called Keskt & Company handled the media relations (2) related, for KKR.

(3) Q: Could you spell that?

(4) A: K-e-s-k-t, I think, Keskt & Company.

(5) Q: Are there any other external firms that RJR (6) Tobacco uses, PR firms, with respect to the Camel (7) cigarettes?

(8) MS. BIXENSTINE: Objection to the form of (9) the question. It suggests that there are any, and I (10) believe the testimony that she gave before about an (11) outside PR firm was with respect to RJR Nabisco, Inc., (12) so I just wanted that to be clear.

(13) MR. JANECEK: Did you follow the question?

(14) THE WITNESS: I was going to clarify the (15) same point, that when I mentioned Keskt, that was in (16) response to who handled the LBO communications and they (17) did that for KKR. You are now asking me does Reynolds (18) Tob-

acco Company's public relations department retain any [19] PR firms? On occasion, yes, sir, we do for special [20] projects. Now, are you asking me about Camel specific?

[21] BY MR. JANECEK:

[22] Q: Cigarettes in general first.

[23] A: Then I need to correct my response so I [24] give you an accurate response. Relative to any brand of [25] cigarettes, I cannot recall us hiring a PR firm in

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[1] recent years to handle - let me think here - I don't [2] want to give you a wrong answer. I know we haven't for [3] Camel, okay, and I would have to tell you I'm just not [4] aware of anything for any of the other brands, but I [5] can't rule out that something hadn't been done.

[6] Q: I think you just answered my next question, [7] but I will ask it just to make sure the record is clear.

[8] Are you aware of any instances in which RJR [9] Tobacco has hired an outside PR firm on the topic of [10] Camel cigarettes?

[11] A: No.

[12] Q: Are you aware of any instances in which RJR [13] Tobacco has hired an outside PR firm on the topic of the [14] Joe Camel advertising campaign?

[15] A: No, I'm not, no, sir.

[16] Q: Are you aware of any instances in which RJR [17] Tobacco has hired an outside PR firm on the topic of the [18] Mangini case?

[19] A: No, sir.

[20] Q: Are you aware if RJR Nabisco has ever hired [21] an outside PR firm to make statements on the topic of [22] cigarettes in general?

[23] MS. BIXENSTINE: Objection. It's outside [24] the scope. You can answer.

[25] THE WITNESS: I'm not aware of any.
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[1] BY MR. JANECEK:

[2] Q: Are you aware of any instances in which RJR [3] Nabisco has hired an outside PR firm on the topic of [4] Camel cigarettes?

[5] A: No, sir, they have not.

[6] Q: Are you aware of any instances in which RJR [7] Nabisco has hired an outside PR firm on the topic of the [8] Joe Camel advertising campaign?

[9] A: No, sir.

[10] Q: You are not aware, or they have not?

[11] A: I'm not aware of one, and I think I would [12] be, so -

[13] Q: Are you aware of any instances in

which RJR [14] Nabisco has hired an outside PR firm on the topic of the [15] Mangini case?

[16] A: No, sir.

[17] Q: After the LBO in 1988, were there any [18] changes in policies or procedures in the PR department [19] for R.J. Reynolds Tobacco?

[20] MS. KACIR: Mr. Janecek, the LBO was [21] negotiated in '88, but unless my memory is wrong, I [22] think it was actually technically consummated in early [23] '89, so that none of us are working on a misapprehension [24] here.

[25] THE WITNESS: That's why I was doing the

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[1] mental calendar a few minutes ago, because it was late [2] '88 when the agreement was struck, but it was early '89. [3] And your question is - excuse me.

[4] MS. BIXENSTINE: I had an objection, so [5] could you restate your question.

[6] MR. JANECEK: Can you just read back the [7] question.

[8] (The record was read.)

[9] MS. BIXENSTINE: Why don't you limit it or [10] focus it on instead of asking generally and then get to [11] the Camel campaign, maybe we could shortcut this a [12] little bit along if you just said were there any changes [13] in policy in the PR department that affected the Joe [14] Camel campaign or something like that.

[15] MR. JANECEK: I'm just trying to get the [16] involvement of the RJR Nabisco in the department [17] generally. I do need to get into how it affects the PR [18] department overall and then specifically with Camel.

[19] MS. BIXENSTINE: You could ask if RJR [20] Nabisco had - if the LBO affected RJR Nabisco's [21] involvement in the PR department.

[22] MS. KACIR: Or lack thereof.

[23] BY MR. JANECEK:

[24] Q: And I'm sure you are totally confused now.

[25] A: It would be nice to clarify the question,

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[1] please.

[2] Q: Were there any changes in the policies or [3] practices of RJR Tobacco after the LBO in 1989, and I'm [4] talking about the PR department?

[5] A: None that I recall, no, sir.

[6] Q: Do you recall if there were any changes [7] with respect to how RJR Tobacco handled the PR press [8] statements about the Camel advertising campaign?

[9] A: No, sir, not that I recall.

[10] Q: Ms. Carter, I'm going to run down a list of [11] names, but I'm going to ask the question with respect to [12] all of them. And if it's okay with counsel to try to [13] short circuit, I will ask the question once and then [14] just mention the name and if you could respond to the [15] original question. If you get confused or you need me [16] to repeat the original question, please let me know.

[17] The first question I'm going to ask is if [18] you know who these individuals are. The first name is [19] Louis Gerstner.

[20] A: And you just simply want to know if I know [21] who he is? Yes, I know who he is.

[22] Q: Have you ever discussed the Camel [23] cigarettes with Mr. Gerstner?

[24] A: No, I have not.

[25] Q: Have you ever discussed the Joe Camel

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[1] advertising campaign with Mr. Gerstner?

[2] A: Not that I can recall, no, sir.

[3] Q: Now, those same three questions I'm going [4] to ask with respect to each individual. Do you know Mr. [5] Greeniaus?

[6] A: I know who he is, and yes, sir, I have met [7] him on occasion.

[8] Q: Have you ever discussed Camel cigarettes or [9] the Joe Camel advertising campaign?

[10] A: No, sir.

[11] Q: Do you know Mr. James W. Johnston?

[12] A: Yes, sir, quite well.

[13] Q: Do you know Mr. Karl M. Von Der Heyden?

[14] A: I know who Mr. Von Der Heyden is, and I [15] have met him before.

[16] MS. KACIR: Could you speak up just a [17] little bit.

[18] THE WITNESS: I'm sorry.

[19] BY MR. JANECEK:

[20] Q: Have you discussed the Joe Camel [21] advertising campaign or Camel cigarettes with Mr. Von [22] Der Heyden?

[23] A: No, sir.

[24] Q: Do you know who Mr. Eugene Croissant is?

[25] A: Yes, I know who he is.

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[1] Q: Have you discussed Camel cigarettes or the [2] Joe Camel advertising campaign with Mr. Croissant?

[3] A: No, sir, I have not.

[4] Q: Do you know Lawrence R. Ricciardi?

[5] A: Ricciardi, yes, I do.
[6] Q: And have you discussed either Camel [7] cigarettes or the Joe Camel advertising campaign with [8] Mr. Ricciardi?
[9] A: Not that I can recall.
[10] Q: Do you know David B. Kalis?
[11] A: Yes, I do.
[12] Q: Have you discussed Camel cigarettes or the [13] Joe Camel advertising campaign with Mr. Kalis?
[14] A: Yes, I have.
[15] Q: What was the situation where you discussed [16] either of those topics with Mr. Kalis?
[17] A: Mr. Kalis previously held the job now held [18] by Jason Wright before leaving the corporation, and it [19] would have been in the same respect of conversations [20] with Jason I've had, principally passing information on [21] to him to keep him informed of what's going on.
[22] Q: Other than in Mr. Kalis' capacity, for lack [23] of a better term, your counterpart at RJR Nabisco, have [24] you discussed Camel cigarettes or the Joe Camel [25] advertising campaign with him?

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[1] A: No, sir. Just for the record, he outranked [2] me a little bit, okay, so not exactly a counterpart.
[3] Q: Do you know Lawrence P. Kurlander?
[4] A: No, I do not.
[5] Q: Do you know J. Thomas Pearson?
[6] A: J. Thomas Pearson, no, sir, I don't think [7] so.
[8] Q: Do you know Robert S. Roath?
[9] A: No, sir.
[10] Q: Do you know Roger D. Semerad?
[11] A: Yes, I do.
[12] Q: Have you ever discussed the Joe Camel [13] advertising campaign or Camel cigarettes with him?
[14] A: No, sir, I have not.
[15] Q: Do you know Stephen R. Wilson?
[16] A: Not well, but I know who he is.
[17] Q: Have you ever discussed Camel cigarettes or [18] the Joe Camel advertising campaign with him?
[19] A: No, sir.
[20] Q: If you could, wait until I finish.
[21] A: I'm sorry, I apologize.
[22] Q: Do you know Mr. Frederick W. Zuckerman?
[23] A: No, I do not.
[24] Q: Do you know Mr. M.B. Oglesby, Jr.?
[25] A: Yes, sir, I do.

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[1] Q: Have you ever discussed Camel cigarettes or [2] the Joe Camel advertising campaign with Mr. Oglesby?
[3] A: Yes, I have.
[4] Q: What was the situation surrounding your [5] discussion with Mr. Oglesby about Camel or the Joe Camel [6] advertising campaign?
[7] A: Principally responding to questions he has [8] had about one or two events that have taken place [9] related to anti-smoking activities against Camel.
[10] Q: What's Mr. Oglesby's title, if you know?
[11] A: I don't know his precise title, I'm sorry.
[12] Q: Does Mr. Oglesby work for RJR Tobacco?
[13] A: I don't know exactly what his reporting [14] relationship is.
[15] Q: Do you know if he is employed by RJR [16] Tobacco?
[17] A: I don't want to speculate on - he does [18] government relations and I just don't want to speculate [19] on his title if you don't mind, or whether he is a [20] corporate or tobacco employee.
[21] Q: Just to clarify, do you know if he is [22] employed by RJR Nabisco in any capacity?
[23] MS. BIXENSTINE: Asked and answered.
[24] THE WITNESS: I just am not comfortable [25] speculating because I just don't know precisely who

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[1] writes his paycheck.
[2] BY MR. JANECEK:
[3] Q: Can you describe the circumstances - [4] strike that.
[5] You testified that you did have [6] conversations with Mr. Oglesby about Camel and/or the [7] Camel advertising campaign. Can you describe the [8] situation or the circumstances how that came about.
[9] MS. BIXENSTINE: Asked and answered. You [10] can answer.
[11] THE WITNESS: I only remember - only one [12] instance really stands out in my mind, and it was [13] an [14] event and he called to check on the status of it, and [15] what we knew, if we had had an update on it.
[16] BY MR. JANECEK:
[17] Q: Did he ask you to undertake any tasks?
[18] A: No, he did not, just was asking status, [19] status check.
[20] Q: Do you know Richard J. Marcotullio?

[20] A: Yes, I do.
[21] Q: Have you ever discussed either Camel [22] cigarettes or the Camel advertising campaign with Mr. [23] Marcotullio?
[24] A: Yes, I have.
[25] Q: In what circumstances, or could you

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[1] describe the circumstances of how this conversation took [2] place?
[3] A: Mr. Marcotullio, I don't know what his [4] title was, but he essentially managed external relations [5] for the tobacco international company, RJR Tobacco [6] International, and it was typical of our sharing [7] information back and forth on what each company had to [8] market at any point in time. We talked rather [9] frequently.
[10] Q: And what types of subjects would you [11] discuss?
[12] A: Typically issues. Again, when it's an [13] international question, it comes into the domestic [14] company, I would give Richard or one of his employees a [15] call and say could one of you guys call this person [16] back, and likewise, he would call me and refer domestic [17] related questions back over to us.
[18] Q: Were there other types of communications [19] besides the referring of international questions to him?
[20] A: There was one joint project that I recall [21] during the years that we worked on together.
[22] Q: Do you recall what that was?
[23] MS. BIXENSTINE: I permit you to ask if it [24] related to Camel.
[25] BY MR. JANECEK:

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[1] Q: Did it relate to Camel?
[2] A: Yes, it did.
[3] Q: Do you recall what that project was?
[4] A: Yes. It was an exhibit that the Louvre was [5] putting together and they were using some archival [6] domestic advertising, and I helped with doing some [7] research on the artwork pieces.
[8] Q: Do you recall if this was before or after [9] the LBO?
[10] A: This was after.
[11] Q: Do you recall when this took place?
[12] A: Time frames are such a challenge in recent [13] years. Let's see, it was probably maybe three years [14] ago.
[15] Q: Did you discuss the exhibit with anyone at [16] RJR Nabisco, the exhibit at the Louvre?
[17] A: No, sir, not that I recall.

[18] Q: Do you recall receiving any internal [19] communications, memos, written communications from RJR [20] Nabisco about exhibiting archival advertising at the [21] Louvre?

[22] A: No, sir, none that I recall.

[23] Q: Do you know if anyone in the PR department [24] discussed the exhibiting of the archival advertising at [25] the Louvre at RJR Nabisco?

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[1] A: Not that I'm aware of, no, sir.

[2] Q: Other than this exhibit and the questions [3] that are referred between the companies, were there any [4] other projects you worked on with Mr. Marcotullio [5] regarding the Camel advertising campaign or Camel [6] cigarettes?

[7] A: None that I recall.

[8] Q: Do you know Mr. Daniel M. Underwood?

[9] A: Yes, I do.

[10] Q: Did you have any conversations with Mr. [11] Underwood regarding Camel cigarettes?

[12] A: No, I have not.

[13] Q: Did you have any communications with Mr. [14] Underwood regarding the Joe Camel advertising campaign?

[15] A: No, I have not.

[16] Q: Do you know Mr. Alan T. Kirby?

[17] A: Yes, I do.

[18] Q: Did you have any communications with Mr. [19] Kirby about the Joe Camel advertising campaign or Camel [20] cigarettes?

[21] A: No, sir.

[22] Q: Do you know a Mr. Jeremy P.R. Harris?

[23] A: No, I do not.

[24] Q: Do you know a Joseph H. Sherrill?

[25] A: I know who he is.

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[1] Q: Did you have any communications with Mr. [2] Sherrill -

[3] A: I believe it's pronounced Sherrill.

[4] Q: Regarding the Joe Camel advertising [5] campaign?

[6] A: No, I have not.

[7] Q: Communications regarding the Camel [8] cigarettes?

[9] A: No, sir.

[10] Q: Do you know Mr. Thomas E. Marsh?

[11] A: I know who he is.

[12] Q: Have you had any conversations or [13] communications with Mr. Marsh about Camel cigarettes or [14] the Joe

Camel advertising campaign?

[15] A: No, sir, I have not.

[16] Q: Do you know Mr. Klaus D. Langner?

[17] A: No, I did not.

[18] Q: Do you know Mr. Edward J. Lang?

[19] A: I know who he is.

[20] Q: Did you have any communications with Mr. [21] Lang regarding Camel cigarettes or the Joe Camel [22] advertising campaign?

[23] A: No, sir.

[24] Q: Do you know a Mr. Dale F. Sisel?

[25] A: Yes, sir, I do.

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[1] Q: Have you had any communications with Mr. [2] Sisel about the Joe Camel advertising campaign or Camel [3] cigarettes?

[4] A: No, sir, I have not.

[5] Q: Do you know Mr. Theodore Ammon?

[6] A: I know who he is, but I don't know him.

[7] Q: Have you had any communications with Mr. [8] Ammon?

[9] A: No.

[10] Q: And your answer to no is that you have had [11] no communications regarding the Joe Camel advertising [12] campaign or Camel cigarettes?

[13] A: That's correct.

[14] Q: Do you know a Mr. James H. Greene?

[15] A: No, sir.

[16] Q: Do you know a Mr. Vernon E. Jordan?

[17] A: I have met Mr. Jordan on occasion, but I'm [18] sure he would not recall.

[19] Q: Have you had any conversations with Mr. [20] Jordan about Camel cigarettes or the Joe Camel [21] advertising campaign?

[22] A: No, sir, I have not.

[23] Q: Do you know Henry Kravis?

[24] A: I have met him also, but, no, we don't know [25] each other.

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[1] Q: Have you had any communications with Mr. [2] Kravis regarding Camel cigarettes or the Joe Camel [3] advertising campaign?

[4] A: No, sir.

[5] Q: It may speed it up if I can give you the [6] name and you can tell me.

[7] A: Just say yes and no and no?

[8] Q: If you can tell me if you know them and if [9] you - the answer is, yes, you know them, you have or [10] haven't had

communications.

[11] A: Okay, that's fair.

[12] Q: Do you know a Mr. John G. Medlin?

[13] A: I know who Mr. Medlin is, and I have never [14] discussed the Camel campaign or Camel cigarettes with [15] him.

[16] Q: Do you know a Mr. Paul Raether?

[17] A: I know who he is and I have had no [18] conversations with him.

[19] Q: Do you know a Ms. Rozanne L. Ridgway?

[20] A: No, sir, I do not.

[21] Q: Do you know a Mr. Clifton S. Robbins?

[22] A: No, sir, I do not.

[23] Q: Do you know a Mr. George R. Roberts?

[24] A: I know who Mr. Roberts is, but I have never [25] had any conversations with him.

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[1] Q: What about Scott M. Stuart?

[2] A: No, sir, I do not know him.

[3] Q: What about Michael T. Tokarz?

[4] A: I do not know who he is.

[5] Q: What about Saul A. Fox?

[6] A: I do not know who he is.

[7] Q: What about Kenneth E. Glover?

[8] A: No, sir, I do not know him.

[9] Q: What about Burlergh C.W. Leonard?

[10] A: Yes, I know Burlergh, and, yes, I would [11] have discussed the Camel campaign with him.

[12] Q: Can you describe for me the situation in [13] which you have discussed the Camel campaign with Mr. [14] Burlergh?

[15] A: It's Mr. Leonard. It's in the same sense [16] that I would have with Oglesby. It would have been [17] responding to his request for information, a status [18] report on a given event.

[19] Q: Can you tell me approximately how many [20] times you discussed the Joe Camel advertising campaign [21] with Mr. Leonard?

[22] A: I can't quantify it for you, specifically, [23] perhaps a couple of times a year.

[24] Q: Have you also discussed Camel cigarettes in [25] general with Mr. Leonard?

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[1] A: Not that I can recall.

[2] Q: And do you recall any specific [3] conversations with Mr. Leonard about the Camel [4] advertising campaign?

[5] A: No one incident stands out in my mind. [6] They have all been fairly routine. I have a question [7] and you advise me what the answer is and I provide it. [8] It's just informational.

[9] Q: Do you recall ever getting any directions [10] or suggestions from Mr. Leonard about any PR statements [11] that's going to be made?

[12] A: None whatsoever. I don't recall any.

[13] Q: Do you know a Robert F. Sharpe?

[14] A: Yes, I do, and I have never had any [15] conversation about Camel with Rob.

[16] Q: Do you know a W.G. Champion Mitchell?

[17] A: Yes, I do, and I have never had a [18] conversation with Champ about Camel.

[19] Q: Do you know Edward A. Horrigan, [20] H-o-r-r-i-g-a-n?

[21] A: There are actually two Rs there, and, yes, [22] I know Mr. Horrigan. I can't recall ever having a [23] conversation about Camel with Mr. Horrigan. I don't [24] recall one.

[25] Q: Do you know a Marshall B. Bass?
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[1] A: Yes, I do, and I have never to my memory [2] had a conversation about Camel with Marshall.

[3] Q: Do you know a Gerald H. Long?

[4] A: Yes, I do, and again, I don't remember [5] having any conversations with Mr. Long about Camel.

[6] MR. JANECEK: Let's go off the record. [7] (Off-the-record, brief recess.)

[8] BY MR. JANECEK:

[9] Q: Ms. Carter, I apologize, I did have one [10] other area of inquiry with respect to the names, and I [11] think we can get through it real quickly by answering a [12] yes or no after I ask the first question.

[13] The question is, have you ever had any [14] communications with the individuals that I'm about to [15] name regarding the Mangini case?

[16] A: Okay.

[17] Q: Louis Gerstner?

[18] A: No, sir.

[19] Q: John Greeniaus?

[20] A: No, sir.

[21] Q: James Johnston?

[22] A: Yes, sir.

[23] Q: Can you describe the situation in which you [24] discussed the Mangini case with Mr. Johnston?

[25] A: It would have simply been relative to a

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[1] media response on something that

may have come up.

[2] Q: Do you recall the specific topic of [3] conversation?

[4] A: I do not.

[5] Q: Do you recall when that occurred?

[6] A: It was earlier in the case's history.

[7] Q: Do you remember if it has been in the last [8] two to three years?

[9] A: I believe the suit was filed right after [10] the J.A.M.A. articles, and I think he just simply asked [11] what are you saying.

[12] Q: Do you recall any other instances of [13] discussing the Mangini case with Mr. Johnston?

[14] A: I can't recall any, but I also couldn't [15] rule it out.

[16] Q: Mr. Von Der Heyden?

[17] A: No, sir.

[18] Q: Mr. Croissant?

[19] A: No, sir.

[20] Q: Mr. Ricciardi?

[21] A: None that I can recall.

[22] Q: Mr. Kalis?

[23] A: None that I can recall.

[24] Q: Mr. Kurlander?

[25] A: No, sir.

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[1] Q: Mr. Pearson?

[2] A: No, sir.

[3] Q: Mr. Roath?

[4] A: No, sir.

[5] Q: Mr. Semerad?

[6] A: No, sir.

[7] Q: Mr. Wilson?

[8] A: No, sir.

[9] Q: Mr. Zuckerman?

[10] A: No, sir.

[11] Q: Mr. Oglesby?

[12] A: No, sir, none that I recall.

[13] Q: Mr. Marcotullio?

[14] A: None that I recall.

[15] Q: Mr. Underwood?

[16] A: No, sir.

[17] Q: Mr. Kirby?

[18] A: No, sir.

[19] Q: Mr. Harris?

[20] A: No, sir.

[21] Q: Mr. Sherrill?

[22] A: No, sir.

[23] Q: Mr. Marsh?

[24] A: No, sir.

[25] Q: Mr. Langner?

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[1] A: No, sir.

[2] Q: Mr. Lang?

[3] A: No, sir.

[4] Q: Mr. Sisel?

[5] A: No, sir.

[6] Q: Mr. Ammon?

[7] A: No, sir.

[8] Q: Mr. Greene?

[9] A: No.

[10] Q: Mr. Jordan?

[11] A: No.

[12] Q: Mr. Kravis?

[13] A: No.

[14] Q: Mr. Medlin?

[15] A: No.

[16] Q: Mr. Raether?

[17] A: No.

[18] Q: Ms. Ridgway?

[19] A: No.

[20] Q: Mr. Robbins?

[21] A: No.

[22] Q: Mr. Roberts?

[23] A: No.

[24] Q: Mr. Stuart?

[25] A: No.

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[1] Q: Mr. Tokarz?

[2] A: No.

[3] Q: Mr. Fox?

[4] A: No.

[5] Q: Or Mr. Glover?

[6] A: No.

[7] Q: Thank you. [8] Have you ever made any statements about RJR [9] Nabisco in your capacity as manager of media relations [10] at RJR Tobacco?

[11] A: No, sir, I don't.

[12] Q: Ever made any statements on behalf of RJR [13] Nabisco regarding the Joe Camel advertising campaign?

[14] A: I'm not sure I understand your question. [15] The campaign was a tobacco company campaign, and any [16] comments I make are relative to the tobacco company. [17] They wouldn't represent RJR Nabisco. It's not their [18] campaign.

[19] Q: So is your answer no?

[20] A: If I understand your question correctly, [21] you asked me if I made them on behalf of RJR Nabisco, [22] and the answer would be no.

[23] Q: Have you ever made any statements about [24] Camel cigarettes on behalf of RJR Nabisco?

[25] A: No, sir.

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[1] Q: Have any statements you have

made - strike. (2) that.

(3) Are you aware if any statements you made on (4) behalf of RJR Tobacco have been attributed to RJR (5) Nabisco?

(6) A: I am aware of at least one, and would not (7) rule out that there wouldn't be others because reporters (8) make those kind of mistakes.

(9) Q: Do you recall the circumstances in which (10) you were attributed for making a statement on behalf of (11) RJR Nabisco?

(12) A: Yes, sir. There was a Chicago article that (13) identified it on behalf of the parent company.

(14) Q: And do you recall the content of the (15) statement that was made that was attributed to RJR (16) Nabisco?

(17) A: Not specifically. I believe they (18) identified me as being part of RJR Nabisco, which is (19) simply an error.

(20) Q: Did you take any steps to correct the (21) Chicago paper's attributing you as working for RJR (22) Nabisco?

(23) A: None that I can recall, no, sir.

(24) Q: Do you know if RJR Nabisco ever took any (25) steps to clarify that you were not working for them?

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(1) A: No, sir, I don't think so. Reporters make (2) those kind of mistakes, and we handle literally hundreds (3) upon hundreds of calls a year. You just can't correct (4) everybody's mistakes.

(5) Q: And besides the Chicago article, you can't (6) recall any instances?

(7) A: None - I can't recall any specifics, but (8) I'm sure it's happened before. Particularly with (9) business reporters, the likelihood is greater because (10) they tend to write for the investment community instead (11) of the general public and would identify perhaps a (12) parent company instead of the subsidiary company. It's (13) not right, but it's not a mistake that typically would (14) be worth a phone call to correct.

(15) Q: Have you ever been attributed to making (16) statements on behalf of RJR Nabisco regarding Camel (17) cigarettes or the Joe Camel advertising campaign?

(18) A: I'm sure I have, but I don't really recall (19) anything.

(20) Q: What about with respect to the Mangini (21) case?

(22) A: I don't recall any relative in the Mangini (23) case. Mr. Janacek, I should probably tell you I don't (24) see everything that gets reported, just to be perfectly (25) fair about this. And again, if a reporter asked, which

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(1) most of them do, I explain that I

manage media relations (2) for the R.J. Reynolds Tobacco Company, and I presume (3) that when they don't ask and they called in directly, (4) they know who they are talking to. If they make that (5) mistake, it's just a mistake on their behalf.

(6) Q: Do you know if Ms. Ellis has ever been (7) attributed - strike that.

(8) Do you know if any statements made by Ms. (9) Ellis have ever been attributed to RJR Nabisco?

(10) A: I'm not aware of any, but I don't know. (11) Then again, I wouldn't necessarily rule that out.

(12) Q: What about Mr. David Fishel?

(13) A: I'm not aware of any, but I don't know.

(14) Q: What about Mr. Tom Griscom?

(15) A: Again, I don't know. I'm not aware of any.

(16) Q: What about Mr. Jim Johnston?

(17) A: I'm not aware of any.

(18) Q: Do you know if Mr. Johnston is affiliated (19) with RJR Nabisco in any way?

(20) MS. BIXENSTINE: Asked and answered.

(21) THE WITNESS: Mr. Johnston sits on the (22) board of RJR Nabisco, Inc.

(23) BY MR. JANECEK:

(24) Q: But you are not aware that he has made any (25) statements about the Camel advertising campaign or Camel

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(1) cigarettes that have been attributed to RJR Nabisco?

(2) A: Not that I'm aware of, no, sir.

(3) MR. JANECEK: Let's go off the record. (4) (Off-the-record, brief recess.)

(5) BY MR. JANECEK:

(6) Q: I just have a couple of follow-up (7) questions, Ms. Carter.

(8) How often did you communicate with Jason (9) Wright or Carol Makovich at RJR Nabisco?

(10) MS. KACIR: In a particular time frame or (11) in a time period?

(12) MR. JANECEK: Since the LBO.

(13) THE WITNESS: Let me just back up and (14) explain something very quickly and then I will answer (15) your question.

(16) After the LBO, Dave Kalis headed the (17) communications function and Jason came into the (18) organization later, the organization being RJR Nabisco, (19) Inc. I don't remember when Jason came on board, but he (20) came on board to do financial communications, and then (21) when Dave left to go to IBM, then Jason moved up to (22) assume his role, and Carol Makovich came on probably a (23)

year and a half, two years ago. She really principally (24) handles financial communications for RJR Nabisco, Inc.

(25) So the nature of most of my conversations

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(1) with Carol is referring calls back and forth. It's just (2) very simple - you know, it's you need to call this (3) reporter or I have referred this reporter to you and (4) this is the nature of what he or she is going to be (5) calling you about. That is relatively infrequent, okay, (6) because I don't attempt to answer, nor do we really get (7) any questions about financial issues related to RJR (8) Nabisco, Inc. People know not to call us about that. (9) That's not our business.

(10) Now, relative to Jason, Jason and I are (11) good friends, so we talk periodically sometimes just to (12) visit, you know. But in the nature of business, I would (13) estimate we can go, Mr. Janacek, probably a month or so (14) and not have a single business need to chat with one (15) another, and then another month we may have several (16) occasions. It's really dependent on what's going on. (17) It's really more event or news driven. I know that's (18) not a precise answer and I apologize, but I don't know (19) how to make it more precise. I just couldn't begin to (20) quantify for you any average.

(21) BY MR. JANECEK:

(22) Q: You testified that Mr. Kalis outranked you. (23) I take it when Jason Wright moved into Mr. Kalis' (24) position, he now outranks you?

(25) A: He did before, too. He was a vice

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(1) president before and he is a senior vice president, I (2) believe, now.

(3) Q: I understand you testified that Mr. Wright (4) has never required you to make any changes to (5) information you provided to him before its release date?

(6) A: That's correct.

(7) Q: I want to ask you a hypothetical. If Mr. (8) Wright was emphatic that something needed to be changed, (9) would your position allow you to ignore his directions?

(10) MS. BIXENSTINE: Objection. Calls for (11) speculation. You can answer.

(12) THE WITNESS: It's hard to speculate on (13) because such circumstances have never occurred, but I (14) would say that if Jason called and felt extremely (15) strongly about something - now, I'm going to split this (16) answer, okay, because he might call and feel - we are (17) just hypothetical - extremely strong about something (18) because it may be required to meet certain FCC (19) regulations, which since I don't do RJR

Nabisco PR, I'm [20] not a good source on FCC requirements for corporate [21] communications.

[22] If that were the case, then I certainly [23] would not want to violate any federal requirements and I [24] would inform my management of the request. I can't [25] conceive of a circumstance where we would not comply.

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[1] but we would discuss it at the tobacco company and make [2] a decision there.

[3] In the event that it was not based on any [4] kind of a federal requirement, it's just his opinion, if [5] this were to happen, I think what I would do is to [6] explain to him the entire context in which the decision [7] was made to have that response, so that he would [8] understand the broader picture.

[9] We are talking, I take it, Mr. Janacek, [10] specifically to Camel and not just very generic, right?

[11] BY MR. JANECEK:

[12] Q: Right.

[13] A: I mean, he doesn't work with the brands in [14] either subsidiary and, therefore, does not know all the [15] circumstances surrounding - I mean, that's our job in [16] the tobacco company is to manage that, so he wouldn't [17] know all the circumstances and, hopefully, once I [18] explain those to him, he would understand and accept the [19] response we had.

[20] If we then still had a difference of [21] opinion, however, I would take it up to my management [22] because it's my management's job to approve or [23] disapprove my responses.

[24] Q: Do you know - and again, this is [25] hypothetical - do you know that if push came to shove

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[1] and it had gone to that second level you were discussing [2] where you have taken it to your management and if Mr. [3] Wright was emphatic that it must be changed, do you know [4] if he; so to speak, outranked your management in that he [5] could make those changes?

[6] MS. BIXENSTINE: Objection. Calls for [7] speculation. This is limited to Joe Camel or to Camel?

[8] MR. JANECEK: Camel advertising, right.

[9] MS. BIXENSTINE: You may answer the [10] question.

[11] THE WITNESS: Again, it's difficult to [12] speculate. Because such a thing has never happened, I [13] don't have a basis to leap off of, but my management in [14] the tobacco company makes those judgment calls, and they [15] are some very strong personalities there. While

they [16] would, I'm sure, give very due consideration in weighing [17] of his opinion.

[18] I cannot conceive of a set of circumstances [19] where they would not ultimately make that decision. I'm [20] sure they would give it due consideration, but they [21] would make the decision.

[22] BY MR. JANECEK:

[23] Q: Are you aware of any instances in which Mr. [24] Wright or Mr. Kalis have given any input or suggestions [25] in specific instances regarding communications you were

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[1] about to release?

[2] MS. BIXENSTINE: With respect to Joe Camel?

[3] MR. JANECEK: With respect to Joe Camel.

[4] THE WITNESS: Any directions or [5] suggestions?

[6] MS. BIXENSTINE: I also object that this is [7] asked and answered.

[8] THE WITNESS: I cannot recall any - I [9] cannot recall in the years, any instance in which they [10] have given us a direction on how to respond to anything [11] relative to Camel. I can, of course, recall sometimes [12] when they may have proffered up some opinions, but not [13] directions, no.

[14] BY MR. JANECEK:

[15] Q: With respect to the opinions, can you [16] recall specifically any opinions that RJR Nabisco, Jason [17] Wright or Dave Kalis, made regarding a statement that [18] your office, the PR department, was going to make?

[19] MS. BIXENSTINE: Objection. Asked and [20] answered.

[21] THE WITNESS: Specifics are very hard [22] because we have so many things that go on. I know that [23] I have had Jason to compliment on occasion that the [24] response I made on something, and he may have on [25] occasion asked me, you know, a question about a

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[1] response.

[2] But again, if that has happened, I would [3] have explained it in the context of the broader picture. [4] We deal in media a lot with which a term you may be [5] familiar with sound bites, and it is all too frequent [6] that we get maybe one good paragraph in a news story [7] versus inches and inches of the story, so you try to [8] come down to your one most critical response, and he may [9] have had an opinion about those in the past, and I can't [10] remember a specific incident to cite to you.

[11] BY MR. JANECEK:

[12] Q: You can't remember the content of any [13] specific opinion that Mr. Wright or Mr. Kalis made to [14] you?

[15] A: One stands out. He was very complementary [16] of how I handled the Federal Trade Commission decision [17] last summer.

[18] Q: Do any other instances stand out?

[19] A: No.

[20] Q: Ms. Carter, is your department, the PR [21] department, responsible for public statements made about [22] promotional items or changes in concerts, those types of [23] things?

[24] MS. BIXENSTINE: Objection. Is this [25] related to Camel?

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[1] MR. JANECEK: Relating to Camel.

[2] THE WITNESS: May I ask you to restate the [3] question.

[4] BY MR. JANECEK:

[5] Q: More along the marketing side of it, [6] statements made about Camel Cash or other marketing [7] giveaways, would your office be responsible for making [8] those public statements?

[9] A: If we - we respond to inquiry basically [10] only, and, yes, my office, I would handle any media [11] inquiries about any Camel promotion. I think what threw [12] me was you said concerts, and to my knowledge, we have [13] never done any concerts or I can't remember any. But [14] along the lines of the Camel Cash, if a reporter called [15] in to ask questions about Camel Cash, I would handle [16] those.

[17] Q: But your office would not be responsible [18] for press releases of new giveaway items or new programs [19] within Camel cigarettes?

[20] A: If we were to do a news release, yes, we [21] would be the ones responsible for that.

[22] Q: What about pricing of Camel cigarettes, is [23] your office responsible for public statements about [24] increasing or decreasing the price of cigarettes?

[25] A: Yes, it is.

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[1] Q: Was your office involved in the 1993 [2] announcement that R.J. Reynolds generally and Camel [3] specifically, the prices were going to be raised? Are [4] you aware of that incident?

[5] A: Yes, I handled that. In 1993, there were [6] two instances of pricing issues related to Camel. The [7] first was in response to Marlboro Friday, and later in [8] the fall, we did take a small price increase. And, yes, [9] we handled the media communications on those - I did.

[10] Q: And what did that entail?

[11] MS. BIXENSTINE: Which?

[12] MR. JANECEK: The late fall price increase.

[13] THE WITNESS: What happens when we have a [14] price increase, as best I can recall, our standard [15] procedures were in effect at that particular price [16] increase, too, is that the sales department notifies the [17] wholesale community, our customers, the people who buy [18] cigarettes from us, and we don't really issue any public [19] statements about price increases. We simply respond to [20] media inquiries about them. I principally handled - [21] Maura may have handled a couple as well, but I was [22] principally handling on that one.

[23] BY MR. JANECEK:

[24] Q: Was there some sort of press release in the [25] late fall of 1993 about the increase in cigarette

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[1] prices?

[2] A: I don't recall us issuing one, no, sir.

[3] Q: Do you recall if Mr. Charles Harper made [4] any sort of announcement regarding the increase of [5] prices in the fall of 1993?

[6] A: I don't recall Mr. Harper making any [7] announcements on behalf of the tobacco company about [8] price increases. No, sir, I don't recall them.

[9] Q: Assuming Mr. Harper did make such an [10] announcement, would he have been required to clear it [11] through RJR Tobacco?

[12] MS. BIXENSTINE: Objection. Assumes facts [13] not in evidence.

[14] THE WITNESS: Once we have made a price [15] increase and notified the wholesale community about it, [16] I can - and we are dealing with a certain degree of [17] hypothetical here - I can only assume that the people [18] at RJR Nabisco might get from the investor relations [19] community some question about that and would respond to [20] those questions as they would normally do.

[21] I don't understand what you mean by [22] clearance. Once it's public record, it would seem to me [23] most anybody can talk about it, but perhaps I'm just [24] missing what you are asking me.

[25] BY MR. JANECEK:

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[1] Q: In the fall of 1993, didn't Mr. Charles [2] Harper announce that RJR Nabisco had raised its prices [3] for cigarettes across the board and specifically for [4] Winston and Camel brand cigarettes?

[5] MS. KACIR: RJR Nabisco?

[6] MR. JANECEK: Let me go back. Who is [7] Charles Harper?

[8] THE WITNESS: He is chairman and chief [9] executive officer of RJR Nabisco, Inc.

[10] BY MR. JANECEK:

[11] Q: Now, in the fall of 1993, didn't Charles [12] Harper announce that RJR Nabisco was raising the prices [13] of cigarettes in general, and specifically raising the [14] prices of Winston and Camel brand cigarettes?

[15] MS. BIXENSTINE: When you say "announced," [16] do you mean a press release?

[17] MR. JANECEK: Made a statement to the [18] press.

[19] MS. BIXENSTINE: So you are saying, is this [20] in response to an inquiry or a press release? What are [21] you referring to by announce?

[22] MR. JANECEK: Made a statement to the [23] press, whether it was in response to a question that was [24] asked of him or a press release.

[25] THE WITNESS: I don't recall Mr. Harper

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[1] making any announcements on behalf of the tobacco [2] company about its pricing. I wouldn't rule out that he [3] might respond to a question about it, but from our [4] perspective at the tobacco company, the announcement is [5] made when we send the immediate communications to the [6] wholesale community, to our customers, and that's been [7] standard operating procedure for a very, very long time, [8] that that's the first communications out. You don't [9] want your customers reading about your pricing in the [10] newspaper. You want to tell them directly. So I don't [11] recall this one being anything different from the [12] routine.

[13] BY MR. JANECEK:

[14] Q: In the standard procedure, if Mr. Harper [15] was responding to a question about an increase in the [16] price of cigarettes, specifically, Camel cigarettes or [17] RJR cigarettes, would that be an instance where he would [18] refer that question to the RJR Tobacco PR department?

[19] A: I think Mr. Harper is free to respond to [20] most any question that he might know the answer to, and [21] if he were asked the question by a business community or [22] an analyst, I think that's perfectly fair for him to do. [23] I guess I don't understand why we would think he would [24] refer that back to the PR department here.

[25] Maybe it would be helpful just to explain

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[1] very quickly that when Philip Morris had what has become [2] referred to as red Friday, they dropped the price [3] specifically on their Marlboro brand, which Camel and [4] Winston directly compete against, so our response that [5] summer was to protect our share of the market on those [6] two brands.

[7] So in many respects, the communications [8] about pricing became Marlboro, Winston, Camel focused, [9] but it was in actuality broader than that, so there was [10] - obviously, if you were following any of that, there [11] was a great deal of press that year about the pricing [12] issues relative to the tobacco industry. There was a [13] very high level of interest in it and a lot of [14] discussion both amongst the analytical community and the [15] media.

[16] Again, we would have considered that the [17] announcement was made when we put up the sales [18] communications and we would have handled direct media [19] inquiries about the pricing. I'm not in a position to [20] judge whether it really is appropriate. I think it [21] sounds perfectly fair for Mr. Harper to comment on it. [22] It was a high profile topic that year.

[23] Q: Have you discussed Camel brand cigarettes [24] or the Joe Camel advertising campaign or the Mangini [25] case with Mr. Harper at any time?

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[1] A: Not that I can recall, no, sir.

[2] Q: Ms. Carter, earlier you testified about [3] some special circumstances where you would be required [4] to get approval before making any sort of media [5] announcement. Your testimony was about interview [6] decisions, that if a reporter wanted a specific [7] interview that was above and beyond what would normally [8] be given.

[9] Do you recall any instances of that type of [10] a situation with respect to Camel cigarettes, the Joe [11] Camel advertising campaign or the Mangini case?

[12] A: Yes, sir, I do, relative to the Joe Camel [13] campaign.

[14] Q: Can you describe for me those [15] circumstances?

[16] A: Yes. In December of '93, a reporter for [17] Business Week Magazine called me and asked if she could [18] talk - if she could get interviews with upper [19] management of the tobacco company to talk about the Joe [20] Camel campaign, and I took that request directly to Tom [21] Griscom. I had thought about it a great deal, and I [22] took it to him with a recommendation that we seriously [23] consider doing that, and he discussed it

with Jim (24) Johnston and a decision was made to do that.

(25) Q: Do you recall which senior management

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(1) individuals this reporter wanted to interview?

(2) A: She specifically wanted to interview Jim (3) Johnston. She specifically wanted to interview (4) attorneys about the Mangini case. She specifically (5) wanted to talk to John Griscom about external relations (6) issues related to the Camel campaign.

(7) Q: Do you recall if she wanted to interview (8) anyone at RJR Nabisco?

(9) A: She did not ask to.

(10) Q: Besides that instance, do you recall any (11) other instances that were similar where someone had (12) wanted to interview that was above and beyond what was (13) typically done?

(14) A: Yes, I do. Just prior to the publication (15) of the J.A.M.A. articles - and there may have been (16) others, okay, but just two really stand out in my mind. (17) Just prior to publication of the J.A.M.A. articles, ABC (18) News asked to come in and talk about the Joe Camel (19) campaign and youth smoking.

(20) Q: Do you recall a time frame for this (21) instance? Was it before or after the LBO?

(22) MS. BIXENSTINE: She said that it was just (23) before the publication of the J.A.M.A. articles.

(24) THE WITNESS: That would have been (25) post-LBO. We probably got the column late in November,

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(1) '91, early in December, somewhere in that time frame.

(2) BY MR. JANECEK:

(3) Q: And do you recall the result of ABC News' (4) inquiry about doing this special interview?

(5) A: You bet. The reporter came in and she (6) obviously had information that was about to be released (7) and she would not share it with us. We expressed some (8) degree of frustration being expected to respond to (9) something we were not privy to, and she declined due to (10) confidentiality of sources as she sided, to tell us what (11) it was really all about.

(12) Q: Do you recall who she spoke with?

(13) A: She interviewed Tom Griscom. And a news (14) story did result after - do you know what I mean when I (15) say embargoed?

(16) Q: Explain it.

(17) A: An embargoed story is one that someone (18) might give a reporter in advance with the implicit (19) agreement that they will not release it until a certain (20) date and time. It was apparent that this reporter had (21) an embargoed story. She had been given early access to (22) the story, and Mr. Griscom's interview was excerpted and (23) it was a part of the story that ABC News ran on the day (24) the J.A.M.A. articles were released.

(25) Q: Do you recall if she spoke with anyone

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(1) besides Mr. Griscom at RJR Tobacco?

(2) A: She talked with me on occasion, she and her (3) producer, and with Maura Ellis prior to interviewing Mr. (4) Griscom.

(5) Q: Do you recall if she spoke with anyone at (6) RJR Nabisco?

(7) A: Not to my knowledge, no, sir, she did not.

(8) Q: Do you recall if you spoke with anyone at (9) RJR Nabisco about the ABC interview or the Business Week (10) interview?

(11) MS. BIXENSTINE: Before or after?

(12) MR. JANECEK: After.

(13) THE WITNESS: Certainly we make them aware (14) of any major news outlets that are going to be covering (15) a story on us and we would have told them. And, yes, I (16) know we told them about both of these two.

(17) BY MR. JANECEK:

(18) Q: What about before the interviews took (19) place, did you inform them that you were considering (20) doing interviews or RJR Tobacco was considering doing (21) these interviews?

(22) A: I honestly don't remember on the ABC one, (23) but I know on the Business Week one, yes, we did tell (24) them in advance of doing the interviews that we had (25) gotten the request and considered it and that we were

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(1) going to grant them the interviews, grant the reporter (2) the interview she wanted.

(3) Q: Do you remember who you informed at RJR (4) Nabisco?

(5) A: Yes, Jason Wright.

(6) Q: Do you remember if Mr. Wright stated any (7) opinions?

(8) A: He sure did. He wasn't very keen on the (9) idea. He had some concerns about the reporter involved (10) and expressed those very candidly, but we felt that we (11) should - we had gone through all the issues and the (12) decision was made at the tobacco company, and we went (13)

ahead and did the interviews.

(14) Q: Do you recall any other instances where (15) these special interviews took place or where you were (16) considering granting such an interview?

(17) A: I have done so many interviews over the (18) last couple of years on Joe Camel, it is so hard. I (19) cannot - I cannot remember - none of them stand out (20) like those two do, because those were two very large (21) decisions. I think I probably have asked Tom Griscom to (22) talk to somebody before, but it would have been at the (23) level that he and I just dealt with it and he would do (24) the interview, but I can't tell you specific who it (25) might have been without sitting here racking my brain a

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(1) great deal.

(2) Q: Do you recall any instances besides the two (3) that you just mentioned, where you discussed prior to (4) deciding to grant or deny an interview, where you (5) discussed that with RJR Nabisco in the numerous ones (6) that you generally recall?

(7) A: Well, again, if it is dealing with a major (8) media outlet and we expect a big story, we let them know (9) that we have done the interview or are scheduling the (10) interview so they will be aware of it when it comes out.

(11) Q: But you don't recall any other specific (12) instance?

(13) A: None really sticks out, but I'm sure there (14) were occasions when it happened, but they would have (15) been more in the category of routine and just nothing (16) stands out at this moment.

(17) Q: Ms. Carter, earlier you testified that you (18) didn't know if Jason Wright or Carol Makovich had made (19) any statements regarding Camel cigarettes or the Camel (20) advertising campaign or the Mangini case. The question (21) I want to ask you is, do you know that they did not make (22) such statements, or it's just beyond your knowledge?

(23) A: I would feel fairly confident and it is - (24) to be very accurate, it's probably beyond my knowledge, (25) but I would feel very confident they would never speak

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(1) to any litigation that the tobacco company is involved (2) in.

(3) I'm virtually equally as confident they (4) wouldn't speak to any of our advertising programs (5) because they are not in our company, they don't deal (6) with it on a daily basis, and knowing how careful the (7) two of them are, I think they might be afraid they might (8) misrepresent - if something got chan-

ged, they might (9) misrepresent it.

(10) Again, knowing how careful they are, I (11) don't think either one of them would take that risk.

(12) Q: What about Camel cigarettes in general?

(13) A: I just am not aware of any instance when (14) they have taken a media call or responded - I can't (15) tell you that in another media call dealing with (16) corporate financial issues that the word Camel never (17) came up, I don't know. But as far as the Camel campaign (18) or the Mangini suit, I just don't know of any instance (19) when they have or would do that.

(20) Q: And this is based on just their being (21) careful people?

(22) MS. BIXENSTINE: Objection. It (23) misconstrues the witness' testimony.

(24) THE WITNESS: Should I answer?

(25) MR. JANECEK: Yes.

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(1) THE WITNESS: Our parent company, RJR (2) Nabisco, Inc., has really taken a very hands off (3) approach with the subsidiary businesses, so it really (4) goes beyond their being very careful. It's just not (5) like them to respond to tobacco company issues. (6) Likewise, I have never known of them to respond to (7) Nabisco Brands'.

(8) They leave that to the companies to do. (9) The companies deal with it on a day-to-day basis. We (10) ostensibly are the experts in that field. We know the (11) competitors in the field and know the things we can or (12) should and shouldn't say relative to the competitive (13) environment, and they trust us to do that job. They (14) just traditionally - we didn't do that when I was in (15) the parent company cons ago. We left the subsidiary (16) business to the subsidiaries.

(17) BY MR. JANECEK:

(18) Q: Mr. Kalis, are you aware if he has made any (19) statements about Camel cigarettes, the Mangini (20) litigation or the advertising campaign?

(21) MS. KACIR: Is this while he is a board (22) member or while he was in -

(23) MR. JANECEK: While he was in Jason (24) Wright's job.

(25) THE WITNESS: Not that I'm aware of. I

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(1) don't recall any.

(2) BY MR. JANECEK:

(3) Q: And again, do you mean for your answer to (4) state that you know he has not made such statements or (5) are they just beyond your knowledge?

(6) A: I couldn't be so presumptuous to

say, (7) un-categorically he has never made a statement. I just (8) am not aware of any, and I think, Mr. Janecek, given (9) that I have handled the media relations for Camel for so (10) many years, I think I would be aware of it, but I don't (11) want to rule out everything.

(12) Q: Do you know if Mr. Johnston has discussed (13) the Camel campaign, Camel cigarettes or the Mangini case (14) with the board of directors at RJR Nabisco?

(15) A: I know of - that at least the one (16) presentation he made on the Camel issues not long after (17) the J.A.M.A. publications, but -

(18) Q: Besides that one?

(19) A: And he may have, but I don't know.

(20) Q: Who would know that besides yourself and (21) Mr. Johnston?

(22) A: Well, certainly the board members would (23) know. I mean, I'm not trying to be cute with you here. (24) Just within our corporation, if he felt he needed to (25) reach out to update information, he may have reached out

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(1) to the Camel brand, he could have reached out to me. He (2) did not except for that one presentation. He could have (3) asked Tom Griscom a question to clarify something. I (4) just, I don't - there have been a couple of places (5) within the company he could have gotten an update, but (6) Jim Johnston keeps very current on tobacco company (7) issues, and he could easily have done a presentation (8) without reaching out to anybody.

(9) Q: Does Mr. Johnston give suggestions or (10) directions on how to handle media relations with respect (11) to Camel, the Camel ad campaign and/or the Mangini case?

(12) A: Yes, he does.

(13) Q: What types of directions does he give?

(14) A: It's more in the vein of suggestions, (15) asking me if I have considered X, Y or Z or what was the (16) source of your information on this, and are you (17) comfortable that you are absolutely correct and that (18) sort of thing. That's more typically the kind of (19) conversations we would have, and I suspect he might have (20) them with Mr. Griscom as well.

(21) Q: Do you recall any specific areas where he (22) has given suggestions or gotten involved in statements (23) that were going to be made?

(24) A: For the Business Week interview last year, (25) he did ask me - the reporter was talking to several

(1) people and the subject matter was being broken down very (2) specifically by area of accountability. He asked me (3) what was left for him to talk about, and so he and I sat (4) down and walked through that, and he had some (5) suggestions on what he thought should be included in an (6) overview for the reporter and suggested that he go first (7) to provide her that overview, and so we did it that way.

(8) Q: Before Mr. Johnston took over for the head (9) of the PR department -

(10) MS. BIXENSTINE: Objection. That's (11) inaccurate.

(12) BY MR. JANECEK:

(13) Q: Strike that. Before Mr. Johnston came on (14) board RJR Tobacco, who was in his position?

(15) MS. BIXENSTINE: As CEO of R.J. Reynolds (16) Tobacco Company?

(17) MR. JANECEK: Right, along the chain of (18) command that we went over earlier.

(19) THE WITNESS: I am not sure he had the same (20) title, but the person who functioned in an equivalent (21) area of responsibility prior to Mr. Johnston, was a (22) gentleman named Ralph Angioli, and I'm sorry, I don't (23) remember exactly what Mr. Angioli's titles were. I (24) think he was president and chief executive officer, but (25) I'm not absolutely certain about that.

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(1) BY MR. JANECEK:

(2) Q: Between the time of the LBO and the (3) present, was there anyone besides Mr. Johnston and Mr. (4) Angioli that took that last step of the chain we talked (5) about?

(6) A: Yes, there was, a gentleman named Dolph, (7) D-o-l-p-h, I believe, Vonarx, V-o-n-a-r-x.

(8) Q: Was he before Mr. Angioli?

(9) A: Yes, he was.

(10) Q: Was there anyone before Mr. Vonarx?

(11) MS. KACIR: This is post-LBO.

(12) MR. ESCHER: By post-LBO, we mean at the (13) end of the LBO.

(14) MR. JANECEK: Post, beginning of 1989.

(15) THE WITNESS: Pre-LBO, post-LBO, okay - I (16) don't remember when Mr. Long retired. I just don't (17) remember whether that was prior to or after the LBO, but (18) Gerald Long, who was on your list awhile ago, preceded (19) Mr. Vonarx, and I'm sorry, I just don't remember the (20) time frame when he retired and Mr. Vonarx came in.

[21] BY MR. JANECEK:

[22] Q: Who is it at RJR Tobacco that would be [23] responsible for making global policy statements? And in [24] particular, are you aware of RJR Tobacco's position that [25] the Joe Camel advertising campaign does not target

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[1] minors?

[2] A: I'm very familiar with that position, yes, [3] sir.

[4] Q: Can you describe who it is that sets those [5] broad policies?

[6] MS. BIXENSTINE: About the Joe Camel [7] campaign?

[8] MR. JANECEK: About the Joe Camel campaign.

[9] MS. BIXENSTINE: You mean policy [10] statements? It's not a policy.

[11] THE WITNESS: See, that is in my mind a [12] position that we take as the result of the research and [13] study we have done on the issue. I consider that a [14] position that emanates from a great deal of looking at [15] this. I don't consider that a policy, okay.

[16] BY MR. JANECEK:

[17] Q: Position is fine.

[18] A: Okay. Who determines the position that we [19] take on issues, is that what you are asking me?

[20] Q: That's correct.

[21] MS. BIXENSTINE: Objection to the form of [22] the question. Do you mean who in terms of position or [23] title, or do you mean who in terms of a name of a [24] person?

[25] MR. JANECEK: First, position and title.

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[1] MS. BIXENSTINE: What time period are we [2] speaking?

[3] MR. JANECEK: Post-LBO, post-LBO beginning [4] 1989.

[5] MS. BIXENSTINE: You mean who's ultimately [6] responsible?

[7] MR. JANECEK: The process, who's involved [8] in taking those positions or stating those positions.

[9] MS. BIXENSTINE: I think you need to give a [10] specific instance if you want everybody -

[11] MR. JANECEK: We'll start with the position [12] of the Joe Camel advertising campaign does not target [13] minors.

[14] MS. BIXENSTINE: Who was involved in taking [15] that position?

[16] MR. JANECEK: In forming that position.

[17] THE WITNESS: I will tell you I'm not sure [18] I ultimately understand what you are asking me here, but [19] let me

take a shot at it.

[20] There were a number of people who looked at [21] the issues raised by J.A.M.A. from different directions. [22] Those findings were brought back and discussed and [23] ultimately Mr. Griscom took to Mr. Johnston what we felt [24] the position the company might take, what it should be, [25] and it was ultimately Mr. Johnston's decision.

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[1] BY MR. JANECEK:

[2] Q: If I understand you correctly, the PR [3] department informed Mr. Johnston of what it believed the [4] position should be? Was that the first step?

[5] A: Mr. Griscom represents external relations. [6] He has a broader function than just PR. I'm sorry, I'm [7] not trying to be obtuse here, but when you say "first [8] step," you are just kind of losing me.

[9] You have to understand that this came [10] somewhat out of the blue, the J.A.M.A. publications, and [11] obviously you want to understand them very carefully [12] before you make any kind of a response, and obviously [13] you don't have a lot of time because J.A.M.A. is not [14] going to send it to you in advance and notify you what [15] they are going to do.

[16] So you draw on a lot of resources within [17] the company to try to get your hands around the issue, [18] what are they raising, how have they done it. So that [19] took a number of functional areas working very quickly. [20] That information was brought back, we looked at it, set [21] out of it that we felt there were problems that they had [22] not proved really what they purported to claim, and that [23] we saw no evidence that the Camel campaign caused young [24] people to start smoking. That was where we felt [25] comfortable that the evidence led us on the Joe Camel

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[1] campaign, and then that was discussed with Jim Johnston.

[2] Now, I suspect besides Tom, there may have [3] been some other people in that conversation with Mr. [4] Johnston, but I certainly don't know who all of those [5] people might have been. I wasn't there, okay. I was [6] probably working, but I was not there when the [7] conversation with Mr. Johnston was held.

[8] Q: Let me ask it this way. Would Mr. Griscom [9] have been the person that initiated the research you [10] were just discussing?

[11] A: There were a variety of people who were [12] involved in initiating that research, and certainly he [13] was one of the key players because it's an external [14] issue and we are ultimately the ones who have to respond [15] to it.

[16] Q: Do you know who else would have been [17] involved in the very first steps, the gathering of [18] research, besides the physical gathering of research, [19] but deciding it needed to be looked at?

[20] A: Yes. There were a couple, as I said, [21] functional areas represented. We reach out to our [22] research people because they have the expertise to read [23] a piece of research and understand it analytically.

[24] We also had legal counsel involved in some [25] of the discussions. We had some public affairs people

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[1] involved in it and public relations people.

[2] Q: We are kind of missing each other. Let me [3] see if this will clear it up.

[4] Who would make the first decision - I [5] think you testified that Mr. Griscom would have made [6] some sort of rudimentary analysis that he would take [7] somewhere else. Was there a step before Mr. Griscom?

[8] MS. BIXENSTINE: I object. That [9] misconstrues the witness' testimony.

[10] BY MR. JANECEK:

[11] Q: Do you understand what I'm trying to ask? [12] I just want to know who it is. What would be the steps, [13] the chain of getting that sort of a position out?

[14] A: Well, I do want to correct that Mr. Griscom [15] would not do rudimentary research, okay. I entrust that [16] to other people to take care of. But once everybody had [17] accomplished this or any other issue that we face, once [18] each individual involved accomplishes their assigned [19] task, then we get back together and we lay it out on the [20] table and hear our collective findings, and these [21] findings suggest the following, and then Mr. Griscom [22] would have taken those results and said this is what we [23] have learned, therefore, it would seem logical that this [24] would be the position we would take.

[25] Q: And he would take those to who?

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[1] A: To Jim Johnston.

[2] MS. BIXENSTINE: Asked and answered.

[3] BY MR. JANECEK:

[4] Q: Then do you know if Mr. Johnston would take [5] Mr. Griscom's recommendation to anyone else, or would [6] Mr. Johnston then decide what position would be taken?

[7] MS. BIXENSTINE: Objection. Asked and [8] answered.

[9] THE WITNESS: Mr. Johnston makes the [10] decisions relative to the tobacco

company.

[11] BY MR. JANECEK:

[12] Q: Did Mr. Johnston confer with the board of [13] directors at RJR Nabisco in deciding what position to [14] take with respect to the J.A.M.A. articles?

[15] MR. ESCHER: Would or did?

[16] MR. JANECEK: Would.

[17] MS. BIXENSTINE: Objection. It calls for [18] speculation. It's hypothetical. You want to ask if he [19] did?

[20] MR. JANECEK: If you know, if he would.

[21] MS. BIXENSTINE: Is it did he or would he?

[22] MR. JANECEK: Would, w-o-u-l-d.

[23] MS. BIXENSTINE: Would Mr. Johnston consult [24] with the board of directors of RJR Nabisco about the [25] response to the J.A.M.A. articles before the response was

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[1] instituted?

[2] MR. JANECEK: Correct.

[3] THE WITNESS: Not to my knowledge, no, sir.

[4] BY MR. JANECEK:

[5] Q: I think you just answered the next [6] question. Are you aware if he did discuss the J.A.M.A. [7] articles before RJR Tobacco stated its position with [8] respect to the J.A.M.A. articles?

[9] A: I am not aware that he did, no, sir.

[10] Q: Are you aware that he did not converse with [11] the board before stating RJR Tobacco's position?

[12] A: I am not aware that he did not, but I think [13] under the time frame in which we were operating, it is [14] highly unlikely, too impossible, actually.

[15] Q: After the LBO, was there a change in the PR [16] department's information systems? By that, I'm talking [17] about the various databases or conglomerations, whatever [18] it is that you could draw information from?

[19] MS. BIXENSTINE: Objection to the form of [20] the question, and it's outside the scope of this [21] deposition.

[22] MR. JANECEK: You can answer.

[23] MS. BIXENSTINE: Wait. If you understand [24] the question, you can answer, but I have no idea what he [25] is after.

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[1] Are you asking as a result of the LBO if [2] they made any changes?

[3] MR. JANECEK: Just after the LBO.

[4] MS. BIXENSTINE: So if they updated their [5] computers, got new computer equipment, you want that?

[6] MR. JANECEK: Yes.

[7] MS. BIXENSTINE: So you are not [8] contributing this to the LBO, you are just asking about [9] time period?

[10] MR. JANECEK: Time period for now.

[11] THE WITNESS: I will have to tell you, I'm [12] not really sure when you say "information systems" what [13] exactly you mean, and since the LBO, we have upgraded [14] our computer systems and programming on several [15] occasions.

[16] MS. BIXENSTINE: I also want to caution the [17] witness not to get into proprietary information about [18] the tobacco company or privileged information.

[19] BY MR. JANECEK:

[20] Q: When did the computer systems become [21] upgraded?

[22] MS. BIXENSTINE: Objection.

[23] MR. JANECEK: You can answer.

[24] THE WITNESS: You are asking - time frames [25] on stuff like that is just not top of mind for me. I

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[1] would say perhaps an -

[2] MS. BIXENSTINE: I don't want you to guess. [3] If you don't know, just say you don't know.

[4] THE WITNESS: I honestly don't know. I'm [5] sorry, I just - I could probably sit here and figure it [6] out by figuring out some other bench marks, but right [7] off the top of my head, I don't know.

[8] BY MR. JANECEK:

[9] Q: If I told you it was 1991, would that help [10] you?

[11] A: Let's see, 1991, I really have to, Mr. Janeczek, sit around and think about this for a minute. [13] You may well be right, but without thinking about it for [14] awhile -

[15] Q: Putting aside the timing of it, do you [16] recall whose idea it was to upgrade the information [17] systems at RJR Tobacco?

[18] A: In the public relations office?

[19] Q: In the public relations office.

[20] A: No, I don't - I don't recall specifically. [21] I mean, that's kind of capital improvements that are [22] just routinely made. I don't remember specifically who [23] would have suggested it was time.

[24] Q: Do you know if it would have been RJR [25] Nabisco?

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[1] A: No, sir, it would not have, not at all. It [2] would have been a departmental issue based on available [3] budget dollars.

[4] Q: Are you aware that in the 1991 prospectus, [5] that RJR Nabisco stated that RJR Nabisco launched a [6] major corporate-wide initiative to update its [7] information systems?

[8] A: I may have been aware about it at the time, [9] but it certainly isn't something that I would have [10] recalled.

[11] Q: And that doesn't refresh your recollection?

[12] A: Is that something that I can perhaps see?

[13] Q: Sure.

[14] MS. BIXENSTINE: Is this the '94?

[15] MR. JANECEK: '91.

[16] MS. BIXENSTINE: Okay.

[17] THE WITNESS: I honestly do not recall what [18] specifically this refers to. I know that during the [19] time period of the '80s and into the early '90s, the [20] tobacco company had developed computer technology for [21] the sales force with hand held computers to calculate [22] sales and calls, and that we had also done some computer [23] work to enable us to do direct billing with our [24] customers and electronic phone transfers and that sort [25] of thing, and that we were very cutting edge on that.

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[1] Whether this is - I also know that Nabisco didn't have [2] some of those capabilities, and whether this was [3] something that's referring to some kind of an effort to [4] share that technology information across company, I [5] don't know.

[6] From reading this, I don't perceive it as [7] talking about a PC like I would have on my desk to write [8] statements and letters on. I perceive it as being as it [9] says.

[10] BY MR. JANECEK:

[11] Q: Why don't you read what it says for the [12] record, just the highlighted portion.

[13] A: "Last year RJR Nabisco launched a major [14] corporate-wide initiative with all of its business units [15] to identify new ways to make the best use of information [16] technology to respond to changing trends in the consumer [17] packaged goods industry. The initiative focused on how [18] to best use the company's significant investments in [19] technology to gain long-term competitive advantage and [20] product development, marketing, sales and distribution, [21] overall product quality and customer service. The [22] company's operating units are currently rolling out a [23] wide range of information technology programs based on [24] the results of the corporate-wide initiative."

[25] Because of the marketing and sales

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[1] references is why -

[2] Q: You don't think that affected the PR [3] department then?

[4] A: No, sir, I don't. I'm very sure it didn't [5] affect the PR department.

[6] Q: I just have two more areas. Earlier you [7] testified that at times R.J. Reynolds Tobacco had hired [8] outside PR firms for special projects. Do you recall [9] any specific instances of that?

[10] MS. BIXENSTINE: Objection. Asked and [11] answered.

[12] THE WITNESS: Yes, I do.

[13] MS. BIXENSTINE: You already asked her [14] about special projects related to the Camel campaign. [15] We are just going over the same things over and over.

[16] BY MR. JANECEK:

[17] Q: What instances do you recall? What special [18] projects do you recall?

[19] MS. KACIR: Related to Camel?

[20] MR. JANECEK: No; limited to cigarettes.

[21] MS. BIXENSTINE: No. I object and I will [22] not let her answer questions about other special [23] projects where they have hired outside PR agencies where [24] you have not shown that there was any RJR Nabisco [25] involvement or they do not relate to the Camel campaign.

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[1] That's completely outside the scope of this deposition.

[2] MR. JANECEK: She testified that Marlboro [3] and Winston-Salem and one other brand was lumped [4] together with the pricing of Camel cigarettes, if I'm [5] not mistaken -

[6] MS. KACIR: In a press comment?

[7] THE WITNESS: That's correct, the press [8] reported it that way.

[9] MS. KACIR: We have no pending question.

[10] BY MR. JANECEK:

[11] Q: With respect to those brands, does RJR [12] Tobacco treat - could you repeat which brands it was [13] that the press lumped together?

[14] A: Yes, sir, Philip Morris announced that [15] they were going to drop their prices during the summer [16] of '93. They made that announcement late April, early [17] May, and we responded with the Camel and Winston brand [18] because they are the principal competitors of Marlboro [19] from R.J. Reynolds Tobacco Company.

[20] So the press reports tended to talk of [21] everything in terms of Marlboro,

Winston, Camel. But I [22] think I told you earlier, and if I didn't, I apologize, [23] but it was broader than just those brands. They just [24] seemed to be the ones that everybody focused on because [25] of the way Philip Morris initially announced and we

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[1] initially responded.

[2] Q: Was there any outside PR firm that was [3] involved in R.J. Reynolds Tobacco and/or RJR Nabisco [4] response to, I think you called it red Friday?

[5] MS. BIXENSTINE: Objection to the form of [6] the question. I don't think she testified to any [7] response by RJR Nabisco to red Friday.

[8] THE WITNESS: All the responses to my [9] memory are related to that pricing, were made out of the [10] tobacco company and, no, we did not hire any agencies [11] for support on that.

[12] BY MR. JANECEK:

[13] Q: The last area is, I'm going to learn these [14] names once and for all.

[15] With respect to Mr. Kalis, Ms. Ellis, Mr. Fishel, Mr. Griscom and Mr. Johnston, I'm going to run [17] down that list of names and ask the same questions, if [18] you are aware if they know individuals. If your answer [19] is yes, if you could just tell me if you are aware of [20] any conversations between those individuals and the [21] people I list about the Mangini case, Camel cigarettes [22] or the advertising campaign, if it's accepted with your [23] counsel. It should take just a few minutes.

[24] A: That's fine, we can do that. But I will [25] tell you before we get started that I wouldn't have a

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[1] clue who they know and don't know, okay, so I'm a little [2] uncomfortable representing -

[3] Q: Why don't we skip that question. We'll [4] just ask if you are aware of any conversations between [5] these people, Ms. Ellis, Mr. Fishel and Mr. Griscom, Mr. Johnston and Mr. Kalis regarding Camel cigarettes, the [7] advertising campaign or the Mangini case.

[8] A: I am not aware of any conversations related [9] to the Mangini case amongst those individuals with Mr. [10] Kalis. With the Camel campaign, I suspect that on [11] occasion either Maura Ellis or Tom Griscom might have [12] had a conversation with Dave Kalis.

[13] MS. KACIR: Again, are you speaking of the [14] time when Kalis held the job at Jason Wright's job?

[15] MR. JANECEK: Right.

[16] THE WITNESS: That's exactly right,

and I [17] couldn't represent the contents of those conversations, [18] but if they are characteristic - if they had them, they [19] would likely be characteristic of our normal [20] conversations with them, which is just to inform them of [21] what's going on and how we were responding.

[22] BY MR. JANECEK:

[23] Q: Do you recall the list of names? Do you [24] want me to run down them?

[25] A: If we are going to go down them, you are

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[1] going to have to do that.

[2] Q: This should be the last questions. Again, [3] I'm speaking about Ms. Ellis, Mr. Fishel, Mr. Griscom, [4] Mr. Johnston and Mr. Kalis, are you aware if any of [5] those individuals -

[6] MS. KACIR: You have lumped together her [7] hierarchy and one outsider, is that intentional?

[8] MR. JANECEK: Yes. If you want, I can do [9] it individually?

[10] THE WITNESS: That's okay. Again, I hope [11] you won't pen anything on this because I really don't [12] know who they know and who they don't know.

[13] MR. JANECEK: I understand.

[14] MS. BIXENSTINE: And I don't want you to [15] guess or speculate.

[16] THE WITNESS: Okay.

[17] BY MR. JANECEK:

[18] Q: Do you know if Ms. Ellis, Mr. Fishel, Mr. [19] Griscom and Mr. Johnston or Mr. Kalis spoke with Mr. [20] Gerstner regarding the Joe Camel advertising campaign, [21] Camel cigarettes or the Mangini case?

[22] A: I have no firsthand knowledge of any of [23] those kinds of conversations.

[24] Q: What about Mr. Greenhaus?

[25] A: Again, I have no knowledge of any.

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[1] Q: Mr. Von Der Heyden?

[2] A: I have no knowledge of any.

[3] Q: Mr. Croissant?

[4] A: I have no knowledge of any.

[5] Q: Mr. Ricciardi?

[6] A: I have no knowledge of any.

[7] Q: Mr. Kalis?

[8] MS. BIXENSTINE: By the way, Ricciardi is [9] legal counsel, so -

[10] MS. KACIR: Mr. Kalis is also a member of [11] legal counsel.

[12] BY MR. JANECEK:

[13] Q: Mr. Kurlander?

[14] A: I have no knowledge.

[15] Q: Mr. Pearson?

[16] A: No knowledge.
[17] Q: Mr. Roath?
[18] A: No knowledge.
[19] Q: Mr. Semerad?
[20] A: No knowledge of any.
[21] Q: Mr. Wilson?
[22] A: No, sir, not that I'm aware of.
[23] Q: Mr. Zuckerman?
[24] A: Not that I'm aware.
[25] Q: Mr. Oglesby?

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Mr. Kravis?
[17] A: Not that I'm aware of.
[18] Q: Mr. Medlin?
[19] A: Not that I'm aware of.
[20] Q: Mr. Raether?
[21] A: Not that I'm aware of.
[22] Q: Mr. Ridgway?
[23] A: Not that I'm aware of.
[24] Q: Mr. Robbins?
[25] A: Not that I'm aware of.

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[1] Q: Mr. Roberts?
[2] A: Not that I'm aware of.
[3] Q: Mr. Stuart?
[4] A: Not that I'm aware of.
[5] Q: Mr. Tokarz?
[6] A: Not that I'm aware of.
[7] Q: Ms. Fox?
[8] A: Not that I'm aware of.
[9] Q: Mr. Glover?
[10] A: Not that I'm aware of.
[11] Q: Mr. Leonard?
[12] A: It is entirely possible they would have had [13] a conversation, but I'm not aware of any of them.
[14] Q: Mr. Sharpe?
[15] A: Not that I'm aware of.
[16] Q: Mr. Mitchell?
[17] A: Not that I'm aware of, no, sir.
[18] Q: Mr. Horrigan?
[19] MS. KACIR: Post-LBO?
[20] THE WITNESS: But that would have still [21] been prior to the J.A.M.A. articles, and I'm not aware [22] of anything in that time period.
[23] BY MR. JANECEK:
[24] Q: Mr. Bass?
[25] A: Not that I'm aware.

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[1] Q: Mr. Jordan?
[2] A: Not that I'm aware of.
[3] Q: Mr. Kravis?
[4] A: Can we stop just a second here?
[5] Q: Sure.
[6] A: Mr. Jordan has served on the board of RJR [7] Nabisco, Inc. I'm not sure whether he is currently on [8] that board or not, or whether he has been a sitting [9] member of that board when Mr. Johnston made at least the [10] one presentation I'm aware of, so I don't know whether [11] you count that one. I recognize some of these names as [12] people from KKR, and at various points, some of them [13] have sat on the board and might fall into that category, [14] but I don't know who they would be.
[15] Q: With that limitation, other than the [16] presentation you testified about,

[1] Q: Mr. Long?
[2] A: Not that I'm aware of.
[3] Q: Why do you think that it's possible that [4] Mr. Johnston and Mr. Griscom may have discussed either [5] the Camel cigarettes, the Camel ad campaign or the [6] Mangini case with Mr. Oglesby and Leonard?
[7] A: Because there have been several points in [8] the last two years or at least two that I can recall [9] that have been congressmen who have made comments about [10] the Camel campaign on the floor of the House of [11] Representatives, and it is entirely possible - I know I [12] shared information relative to one of those so that they [13] could respond to some questions that generated for them, [14] and it is entirely

possible that one of the others could [15] have as well.

[16] Q: Can you tell me what Mr. Oglesby's title [17] was or is?

[18] MS. BIXENSTINE: Objection. Asked and [19] answered. She already told you she didn't know.

[20] THE WITNESS: I probably shouldn't, I'm [21] sorry.

[22] BY MR. JANECEK:

[23] Q: What about Mr. Leonard?

[24] MS. BIXENSTINE: Objection. Asked and [25] answered.

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[1] THE WITNESS: I just don't know.

[2] BY MR. JANECEK:

[3] Q: Do you know if either of those individuals [4] or both are associated with RJR Nabisco?

[5] A: I don't know what their reporting alignment [6] is.

[7] MS. BIXENSTINE: Mr. Janeczek, you have [8] information in our supplemental response to the [9] jurisdictional interrogatories that you served about [10] both Mr. Leonard and Mr. Oglesby, so I don't think you [11] have to play games with this witness about that.

[12] MR. JANECEK: There is no game playing [13] going on. Other than the presentation you testified to, [14] can you describe the circumstances of the communications [15] that may have gone on with Mr. Oglesby and Leonard [16] regarding the congressional testimony you were just [17] starting to discuss?

[18] THE WITNESS: Both of those have been [19] awhile back and it is not fresh in my mind, but -

[20] MS. BIXENSTINE: Was counsel present? If [21] they were, then the conversation is privileged.

[22] THE WITNESS: No, counsel would not have [23] been present. It would have just been simply a phone [24] call with him picking up the phone and asking me [25] probably, you know, can you just catch me up-to-date on

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[1] the Camel campaign, and I would have done that verbally, [2] and the issues, the accusations that are out there and [3] our positions on those accusations. It would have been [4] very straightforward.

[5] BY MR. JANECEK:

[6] Q: Do you know if Mr. Oglesby or Mr. Leonard [7] were asking this information of you, Mr. Griscom or Mr. [8] Johnston, for testimony they were going to give or [9] somebody else's testimony?

[10] A: Well, I think of testimony of very narrow [11] terms, like what I'm doing right now, okay.

[12] Q: Maybe I misunderstood you. I thought that [13] you had said that the communications, if they occurred, [14] would have occurred because congressional testimony

[15] or -

[16] A: No, sir. Let me clarify that for you. [17] There were at least the two instances that I remember [18] when somebody would stand in the House and just repeat [19] the allegations related to the Camel campaign. That [20] sometimes generates other phone calls for them from [21] other congressional representatives, you know, is he [22] right, is he wrong, what does R.J. Reynolds say about [23] this. So they will touch base with those of us in the [24] tobacco company who deal with that on a daily basis to [25] make sure they are current, to get updated and before

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[1] they respond.

[2] Q: So if I understand correctly, there was no [3] congressional testimony, it was just informal inquiries?

[4] A: Yeah, I think. Perhaps the two instances [5] might be in the congressional record, but the others [6] were just follow-up, but very routinely done in [7] government relations.

[8] MR. JANECEK: I don't have any additional [9] questions.

[10] I guess we will save the stipulation for [11] after lunch.

[12] (Off-the-record, recess for lunch.)

[13] MR. JANECEK: On the Peggy Carter depo, the [14] deposition has been concluded. It's been stipulated [15] between counsel that the original will be delivered to [16] Ms. Carter -

[17] MS. KACIR: It will be delivered, to Dan [18] Donahue, the in-house counsel, and he will get it to [19] her.

[20] MR. JANECEK: And then Ms. Carter will have [21] one week from the date that she receives it to review -

[22] MS. KACIR: We are going to undertake, if [23] possible, to have her review it that fast for you, but [24] we are not committing to being able to get it done in [25] that time frame. We will just do our best.

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[1] MR. JANECEK: What's on the outside date?

[2] MS. KACIR: That depends on what happens in [3] events of what else intervenes, but what we have told [4] you is that we will also take a look at it, and if there [5] are any particular problems we'll try and review them [6] with her. If there aren't any, we'll talk to you, but [7] otherwise, we won't have any objection to your using it [8] whether or not she has completed the review before the [9]

hearing.

[10] MR. JANECEK: Can I get an outside date on [11] when she -

[12] MS. KACIR: Your outside date is whatever [13] the time period permits, which I gather is 30 days from [14] the time she gets it, your normal time period.

[15] MR. JANECEK: We normally go 15 days.

[16] MR. ESCHER: We'll do whatever is required [17] by the statute, and that is the time period that we will [18] be governed by, otherwise, you know, our proposal is as [19] we have indicated to you.

[20] MR. JANECEK: Is it also stipulated that in [21] the event the original is lost or stolen, that a [22] certified copy can be used in its place?

[23] MS. KACIR: Yeah, I would have no objection [24] to that.

[25] MR. JANECEK: We will relieve the court.

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[1] reporter of her duties under the Codes of procedure with [2] respect to maintaining the original deposition?

[3] MR. ESCHER: Not at this point.

[4] MR. JANECEK: When -

[5] MS. BIXENSTINE: We'll return the original [6] to the court reporter.

[7] MR. ESCHER: We'll do what's required by [8] the Code, and that's what we'll do.

[9] (Signature reserved.) [10] (Whereupon, at 2:20 p.m., the taking of the [11] instant deposition ceased.)

[13] Signature of the Witness [14] SUBSCRIBED and SWORN TO before me this [15] day of _____, 19____.

[17] NOTARY PUBLIC

[18] My Commission expires:

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ERRATA SHEET

RE: JANET G. MANGINI V. R.J. REYNOLDS TOBACCO COMPANY, ET AL

DEPOSITION OF: PEGGY G. CARTER

Please read this original deposition with care, and if you find any corrections or changes you wish made, list them by page and line number below. DO NOT WRITE IN THE DEPOSITION ITSELF. Return the deposition to this office after it is signed. We would appreciate your prompt attention to this matter.

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CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)
COUNTY OF MECKLENBURG)

I, Andrea L. Nobrega, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

ANDREA L. NOBREGA
Court Reporter and Notary
Public in and for
North Carolina.

My commission expires: 11-25-96

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